

CHILD SUPPORT ENFORCEMENT AND WELFARE DEPENDENCY

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ABSTRACT

This thesis research examines the impact of child support enforcement on the welfare dependency of female-headed families in the low-income region of New Bedford, Massachusetts. Few absent fathers were able to pay support amounts in excess of their families' AFDC grant amount, thereby forcing their families' ineligibility for continued assistance. Support levels are determined by: (a) the willingness of the courts and enforcement workers to adhere to HEW minimum support guidelines; (b) the ability of fathers to pay support; and (c) the willingness of fathers to comply with support orders established. The relative contribution of each factor to the overall reduction in New Bedford support levels was estimated. HEW support guidelines were applied regressively in New Bedford: standards were relaxed for high-earning fathers, while support demanded from low-earning fathers was actually in excess of HEW guideline levels. Assuming strict adherence to HEW guidelines and full compliance by fathers, we showed that only fathers earning in excess of \$175 net per week could pay support amounts higher than average AFDC grant levels for a family of two dependents. However, in Louisiana and Texas, where AFDC grant levels are relatively low, substantial numbers of families may be

forced off welfare through the enforcement of child support. Chances of a similar result in areas with high unemployment were remote.

Few patterns of support delinquent behavior were in evidence, although payment levels increased slightly with earnings. We examined payment compliance responses to alternate modes and levels of enforcement. Compliance levels were significantly higher only among fathers against whom criminal action for nonsupport had been taken. Enforcement mode changes from all non-probate to probate actions for support (legal separations and divorces) resulted in significantly lower compliance levels. Higher-earning fathers tended overall to pay higher percentages of support order levels established. If we assume HEW support standards, however, low-earning fathers appear the least delinquent.

Enforcement of support appeared to have substantial indirect impact on welfare dependency, however, by discouraging dependency among marginal welfare families. One-third of parents in the New Bedford IV-D program reconciled during the study period. A majority of reconciliations occurred within a few months subsequent to the establishment of a support order against the father. The fact that four-fifths of reconciled couples later re-separated, the family re-applying for AFDC, suggests that few couples are able to maintain themselves in the absence of some form of public assistance.

We therefore cannot consider the problem of nonsupport in isolation from the problem of poverty and unemployment among welfare families. One-third of New Bedford fathers were marginally-employed, unemployed, or had been on public assistance themselves. To view nonsupport solely in terms of welfare dependency is to take a very limited view of children's rights to support. We must turn to more fundamental reasons for economic dependency among women rather than restrict our approach to remedial enforcement.

Biographical Note

Janet M. Loneragan was born in Sydney, Australia. She received a B.A. from Sydney University in 1970, an M.A. in Ancient History from Macquarie University in 1972, and an M.C.P. in City Planning from Harvard University in 1974. She is the author of "Prosopographical Analysis in History", History Resources For Teachers (Macquarie University 1971). She has been a Tutor in History at Sydney and Macquarie Universities, and has consulted for Cities Commission in Canberra, Australia, on national economic development policies, rural migration, and new town projects. Ms Loneragan was also employed as a Research Assistant at the Center For Population Studies, Harvard University, and as a Research Associate at The Joint Center For Urban Studies of M.I.T. and Harvard University. She is married to John C. Houghton, a Research Scientist at the M.I.T. Energy Laboratory, and is a permanent resident of the United States.

PREFACE

This thesis is the product of a joint effort. I would like to acknowledge the contribution of several people and institutions to its completion. The material in the project was prepared under Grant No. 91-520 from the Employment and Training Administration, U.S. Department of Labor, under the authority of Title III, Part B, of the Comprehensive Employment and Training Act of 1973. Researchers undertaking such projects under such sponsorship are encouraged to express freely their professional judgment. Therefore, points of view and opinions stated in the document do not necessarily represent the official position or policy of the Department of Labor.

I would like to thank Gertrude Linehan, Director of the Massachusetts Child Support Enforcement Unit, for providing access to the New Bedford data and other support enforcement files in the Commonwealth. The data collected for the research is proprietary. We have aggregated statistics to levels which prevent disclosure of information on individual welfare families in accordance with laws protecting their right to privacy.

I am particularly grateful to Tom Mourousas of the New England Regional Office of Child Support Enforcement who painstakingly guided me through the intricacies of the IV-D Program and supplied me with a library of up-to-date materials on the subject. Special thanks are also due to Charlie Winchester, Chief Probation Officer of the Woburn District Court, for his encouragement of my research plans in their early stages. A special debt of gratitude is owed to B. J. Jordan and the host of kind folks in the New Bedford Welfare Office who patiently introduced me to their data files and answered

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This thesis is dedicated to the memory of Gridley Ladd, my kindest critic, who inspired us all.

Janet M. Loneragan

Newtonville, Massachusetts

May 22, 1979

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CHAPTER I

INTRODUCTION

A. RESEARCH PERSPECTIVE

Outline

This thesis research examines the impact of child support enforcement on welfare dependency. More specifically, we are concerned with establishing a direct link between the enforcement of paternal support obligations and changes in the welfare status of AFDC families. There are two ways in which this might occur: (a) directly, that is, the amount of child support paid by the father exceeds the family's AFDC grant amount, thereby forcing their ineligibility for continued assistance; and (b) indirectly, by discouraging welfare dependency among marginal welfare couples.

Dimensions of Nonsupport

In spite of several legislative efforts since the 1940's to develop a comprehensive program of child support enforcement in the U. S., by 1973 only 34% of fathers associated with families on AFDC who were absent from the home had court orders or voluntary agreements for support of their families. Of these families, less than one-fifth were receiving full support payments from the absent parent, while more than half

received no payment at all. For the non-welfare family, the development of remedies for nonsupport at common law has been slow. Support law varies considerably by state, while the application of enforcement measures is often the sole prerogative of the individual judge. The high cost of enforcement services, overcrowded courts, and the low priority often afforded support enforcement actions, all contribute to reduce the likelihood of successful recovery.

A continuing problem in our research on family poverty is that we know little about the real causes of support delinquency. It has been generally assumed that the application of strict enforcement measures will result in non-delinquent behavior on the part of the absent parent. There is little indication, and much evidence to the contrary, however, that the courts and enforcement officials have been effective in altering the delinquent behavior of nonsupporting parents. Preliminary evidence suggests that willingness-to-pay support may be equally as important as ability-to-pay support in determining the future status of AFDC families.

Legislative Background

In January of 1975, comprehensive child support enforcement legislation was passed (Public Law 93-647), forming a new Title IV-D of the Social Security Act. The new law mandated more aggressive enforcement at various government levels, introducing a system of penalties and incentives to insure program development by states and localities. A nationwide, computerized Parent Locator Service (PLS) was established, and Federal agencies, including the IRS and SSA, were to provide any information regarding the location and income of absent parents. By 1977, programs had been established in all states, significant numbers of fathers associated with both AFDC and non-welfare families had been located, and support

orders established. In spite of these efforts, however, nonsupport or inadequate support by absent parents remains a major cause of poverty in female-headed families in the U. S. In recognition of this fact, the new Administration has placed child support enforcement at the forefront of the Carter Welfare Reform package.

Paternal Support

Welfare dependency among female-headed families has increased substantially in recent decades. The number of AFDC children eligible due to parent absence (generally the father) doubled in just five years to 6.2 million in 1973. Although welfare population increases have only been slight relative to overall population increases, the absolute numbers of recipient families has soared, and welfare costs have followed. Public interest in the Child Support Enforcement Program has been generated primarily by a desire to minimize the taxpayer's welfare burden. It is not surprising that legislators have focused on the most visible and immediate cause of welfare dependency -- paternal economic desertion.

Unfortunately, this approach is too simplistic. Paternal nonsupport is itself often the result of poverty and unemployment. Moreover, many fathers of families on welfare do contribute toward their families, although amounts may be inadequate. Where a low-earning father has remarried, enforcing support obligations for the first family may place the second family in danger of welfare dependency. From the point of view of the family on welfare, the advantages of enforcement may be few. No payments collected from the father go to the family, but to the State Treasury. The action at law is between the Welfare Department and the father, effectively excluding the family from proceedings. Amounts determined as support are based on the father's ability-to-pay, rather than

the family's level of need. The welfare status of the family is thereby conditional upon the father's earnings, so that we would expect only high-earning fathers to be able to pay amounts sufficient to get families off welfare. In essence, this institutionalizes the poverty and welfare dependency of the poorest families. Where the family does manage to get off welfare, fathers may become delinquent again in the absence of state involvement in enforcement. At best, the family faces an uncertain economic future.

In focusing on paternal nonsupport, legislators have not only ignored the relation between poverty and nonsupport among poor fathers, but more importantly, they have ignored the more fundamental reasons for dependency among women. Instead of guaranteeing financial security to women within intact marriages, a remedial approach has been used in enforcing support obligations only after marital break-up has occurred.

Welfare Dependency

Achieving welfare independence among AFDC families has become one of the major goals of the Child Support Enforcement Program. We stress, however, that the attainment of welfare independence may not herald a new state of economic security for the family. The pattern of dependency on a provider (viz. father, husband, or the state) will not change with welfare status. Moreover, the level of welfare benefits received by a family will vary by state and by individual circumstances. Therefore, the amount of support required from the father to exceed that grant amount, and thereby force the family's ineligibility for continued assistance, will vary accordingly. As the AFDC grant level changes, so too does the relative importance of paternal support payments in determining the future welfare status of the family. We use 'welfare independence' as a measure

of legislative success in the knowledge that such a goal may be infeasible, particularly in areas with high unemployment where AFDC grant levels are high and the ability of fathers to pay amounts in excess of grant levels is relatively low.

We do not argue against support enforcement against any parent unwilling to provide for his or her child, but rather we suggest that an exclusive program of enforcement against predominantly poor fathers constitutes a very limited view of child support and parental support obligations. Not only does it perpetuate the notion that the primary cause of family poverty is paternal nonsupport, but it also serves to establish state rights to recovery, rather than children's rights to support, as paramount in the enforcement effort.

B. DISCLAIMER

In this research, we do not deal with the problem of potential dependency among non-welfare families resulting from paternal nonsupport. Nor do we evaluate the relative "adequacy" or "appropriateness" of existing support level standards. Guidelines for support proposed by HEW are assumed to provide at least minimum levels of "appropriate" support. Instead, our efforts are concentrated on evaluating the relative contribution of lax enforcement of these standards by enforcement officials and the courts, as well as unwillingness-to-comply on the part of fathers, on overall levels of support.

Overall levels of support determine how many families manage to get off welfare through enforcement. In a low-income region, we would expect AFDC grant levels to exceed child support orders by such a wide margin that few families are made ineligible through strict application of enforcement measures, reflecting the low ability of fathers to pay support.

However, the AFDC grant levels of families, and earnings levels of fathers, change considerably over time. Detailed data on these changes was not recorded for this research. We therefore do not attempt to evaluate the impact of support enforcement in a dynamic framework, relating changes in grant levels to changes in support levels within the family budget.

In the foregoing analysis, we also examine the relationship between enforcement and family structure. The inadequacy of basic terminology used to describe marital status changes (e.g. separations, reconciliations) will no doubt introduce some error into our measurements. The plethora of states described by these terms, that is, the realities of the marital relationship, are not considered. These terms merely offer a convenient way of describing changes that affect the welfare status of the family. We do not attempt to construct a model of family structural change relating to the enforcement of support. Nor do we assign weights to the various factors involved in the decision to separate or reconcile. However, we do assume the decision is closely related to the couple's perception of economic opportunities.

Support levels are determined by enforcement policies, as well as the ability and willingness of the father to comply with a support order. In examining reasons for low support levels, we have assumed that discrepancies between HEW and support order levels established by local officials describe lax enforcement rather than a real inability of fathers to comply with HEW minimum recommended levels. We also assume that discrepancies observed between support order and support payment levels are due to unwillingness-to-comply on the part of the father, and that they do not reflect inability-to-comply. Our assumptions appear justified by the fact that many low-wage fathers are able to pay relatively high percentages of their earnings toward support.

Finally, we do not attempt to establish the determinants of willingness-to-pay, although we do provide evidence of support payment responses to various modes and levels of enforcement. We caution the reader against assuming that support delinquency is a problem exclusive to poor families. The fact is that economic desertion occurs with great frequency among both poor and non-poor families. The difference is that desertion, non-support, and marital dissolution, in the poor family almost invariably result in welfare dependency. In this thesis, we focus exclusively on families which are welfare-dependent. Since non-welfare families are excluded from participating in the Massachusetts Child Support Enforcement Program, no data was available on these families. If we assume, however, that payment levels are relatively independent of the welfare status of the family, then many of our conclusions regarding support delinquency may be extended to include fathers of non-welfare families against whom enforcement action is taken.

This thesis represents one of the first efforts to examine data on fathers and families participating in the enforcement program. The overwhelming amount of data obtained provides a new resource for those undertaking research on support delinquency and enforcement. This thesis represents a first cut only. We have restricted our focus to illustrating just one aspect of the support problem. Several sweeping assumptions are made in our effort to clarify and simplify. The issues are complicated, and a real resolution of them would require a data-intensive effort which is beyond the scope of this thesis research.

Much computer work has been done in generating the results presented in this thesis. Results obtained were, for the most part, suggestive, although in some cases compelling. Certainly, however, none of the results of this research attempt to answer these questions once and for all.

More definitive answers must be sought through direct interviews with those persons participating directly in the program, the fathers and their families. Although we have presented a number of interesting results concerning support enforcement and delinquency behavior, we have also made a concerted effort to raise the dust a little on several of the more fundamental issues concerning support enforcement.

C. RESEARCH DESIGN

We examine the impact of child support enforcement on welfare dependency in two ways: (a) directly, by measuring the levels of support paid with AFDC grant amounts and by noting the numbers of families who are forced off welfare as a result of support payments exceeding the welfare grant amount; (b) by documenting the incidence of AFDC case closures due to the "reconciliation" of the couple immediately following support enforcement action against the father. We chose to study these effects in a low-income region of Massachusetts, New Bedford, where we would expect the average ability of fathers to pay support amounts in excess of their families' grant levels to be low, given high local unemployment levels.

In particular, we focused on the reasons why support levels fall significantly below minimum levels recommended by HEW for support. Support levels are primarily determined by three factors: (i) the willingness of courts and enforcement officials to adhere to HEW guidelines; (ii) the ability of fathers to comply with support orders established; and (iii) their relative willingness-to-pay support. We examined each of these factors, estimating the contribution of each to overall reductions in support payment levels obtained in New Bedford. HEW levels were assumed commensurate with minimum ability-to-pay support. Where

discrepancies occurred between HEW and support order levels established in New Bedford, these were assumed to reflect a laxity in enforcement on the part of local enforcement workers and the courts. Where discrepancies were found to exist between support order and support payment levels, we assumed they were due to an unwillingness-to-pay on the part of New Bedford fathers.

A primary assumption held by many proponents of child support enforcement is that the strict application of enforcement measures against non-supporting fathers will result in immediate, and often long-term, non-delinquent behavior. To date, however, there is little evidence that support delinquent behavior follows any pattern among fathers. We still know very little about the determinants of this behavior. In order to illuminate some of the issues associated with support delinquency, we ask several questions. First, does support delinquency vary according to the mode or level of enforcement applied against the father? That is, do fathers paying support under informal, voluntary agreements tend to be more, or less, compliant than those under civil or criminal court orders for support? Does a change in mode from non-court to court action effect any change in the level of payments made? Finally, what is the evidence that long-term support compliance is secured, particularly in the event that a family exits from welfare? In the absence of state involvement in the enforcement process, does the father become delinquent again? And what implications does this have for the future welfare status of the family?

D. SUMMARY OF FINDINGS

Almost without exception, the earnings levels of New Bedford fathers were so low that the chances of effecting their families' release from

welfare solely through the enforcement of paternal support payments were very remote. Invariably, AFDC cases which were closed did so because the AFDC grant level of the family was sufficiently lower than average (e.g. because of maternal earnings) so that paternal support payments could more easily exceed the family's grant level. In examining the reasons why so few families were able to exit from welfare, we found that lax enforcement was equally as important as support delinquency in explaining low support levels. And in the case of high-earning fathers, the establishment of support orders substantially below HEW recommended levels was even more important than delinquency in explaining the inadequacy of support payment levels. On the other hand, we noted that support order levels established for poorest fathers were in many cases higher than HEW recommended levels. Although HEW guidelines prescribe somewhat progressive support levels across levels of paternal earnings, the application of support standards in New Bedford was found to be decidedly regressive. Slightly higher levels of delinquency found among poorest fathers may well be a function of the relatively high levels of support required of these fathers.

Results obtained from our analysis of support payment responses to alternate modes and levels of enforcement were as follows: (1) the only mode which showed substantially higher levels of payment compliance were those involving criminal court action, resulting in an average payment that was 15% higher than for all other modes; (2) a change in mode from non-probate to probate (legal separation or divorce) court action resulted in significantly lower levels of compliance, while the reverse was true in the case of criminal court action; (3) fathers who had been paying support under a court order who subsequently set up a voluntary agreement with the Welfare Department tended to become delinquent in payments;

(4) strictest levels of enforcement, defined as the number of support actions brought against fathers, were applied against those fathers who were least able to pay, as well as those who showed the highest initial levels of compliance; (5) fathers tended on average to become more delinquent in support payments with the initiation of subsequent support actions; (6) although fathers tended to respond to criminal enforcement actions with higher levels of compliance, levels dropped with each successive enforcement action on average. Much of the evidence suggests that a conscious policy of enforcement exists to pursue those fathers who appear more "accessible". Overriding this seems to be a policy of stricter enforcement against those fathers who appear to have higher support payment potential. This may not necessarily refer to a higher potential for paying larger dollar amounts, otherwise we would find substantially higher support orders established for high-earning fathers. Instead, payment potential refers to the apparent willingness, at least initially, of fathers to pay support. This might explain why there is no discernible difference between enforcement measures taken against employed versus marginally-employed fathers. Our results show that relative willingness-to-pay support is somewhat independent of ability-to-pay. Employed and marginally-employed fathers respond with similar increases in payment levels following stricter enforcement measures, although overall payment levels will be lower among marginally-employed fathers.

We also examined the impact of support enforcement on family structure. Specifically, we documented the "discouragement" effects of enforcement on the continuing welfare dependency of marginal welfare families, particularly those involving informally-separated couples. Almost 30% of couples in New Bedford requested AFDC case closure during

the study period because they had "reconciled". A high proportion of reconciliations occurred immediately following the establishment of a support order against the father, suggesting that these couples may have separated in order to obtain welfare benefits, and that the enforcement of support has effectively lowered their perceived net benefits from the AFDC grant. However, four-fifths of couples who did reconcile subsequently re-applied for welfare. These findings suggested that few families are able to maintain themselves in the absence of some form of public assistance. We concluded that the "discouragement" effects associated with support enforcement were short-lived at best. For the family which cannot subsist without public aid, support enforcement will not permanently discourage welfare re-application.

We also discovered disturbing new evidence suggesting that child support enforcement may actually be encouraging informally-separated couples toward final marital dissolution. We observed that 17% of all couples (35% of all mutually-separated couples) in New Bedford underwent multiple separations and reconciliations prior to the establishment of the first support order against the father. Subsequent to the first support order, however, they remained separated. Willingness to reconcile may be discouraged among couples experiencing genuine marital difficulties against whom enforcement action is taken.

We have noted here only those results pertaining to our original research question: what is the impact of enforcement on welfare dependency? The New Bedford data was also analyzed to reveal a wealth of other information on fathers and families participating in the New Bedford IV-D Program. We refer the reader to Chapter IV for a full account of these findings.

E. OUTLINE OF CONTENTS

In Chapter II of this thesis, we provide a detailed history of legislation pertaining to parental support obligations and the support rights of children in Massachusetts from early colonial days up to the present. In particular, we show how and why the enforcement of support has developed as a law governing poor families only. In Chapter III, we continue these arguments, showing how most recent legislation, P.L. 93-647, distinguishes carefully between fathers associated with families on welfare and those whose families are independent of welfare. Specific provisions are included in the law for incentives to states and localities in the pursuit of fathers of AFDC-dependent families. We provide evidence which strongly suggests that the major objective of the current Child Support Enforcement Program has been to reduce welfare expenditures by maximizing recovery payments from fathers in AFDC cases and by forcing the ineligibility of many families for continued assistance. Twenty-nine states have effected an overall AFDC population rollback of 29,000 cases since the inception of the IV-D Program. Our conclusions appear justified also by the recent House rejection of a Senate amendment providing for continued funding of non-AFDC cases under the IV-D Program.

In Section B of Chapter III, we trace the historical development of Child Support Enforcement Program in the United States. We provide a detailed outline of the provisions of P.L. 93-647, noting those which have served to bias enforcement efforts in the direction of AFDC cases. Specific reference will be made to the program developed in the Commonwealth of Massachusetts since 1967. The administration of Federal, state, and local programs will be presented in capsule in Section D. In section E, current methods of enforcement employed in the New Bedford region will be used as a case study of local procedure.

In Chapter IV, we introduce the data on fathers and families participating in the New Bedford IV-D program. For each of the 682 cases on the study file, we obtained the age and birthplace of the father, the total number of AFDC families and AFDC children associated with the father in the New Bedford region, and the number of children in this particular AFDC family. We also listed the age and sex of all children in the family. We then constructed a complete marital history of the parents, including marriages, reconciliation, separations, legal separation, divorces, and so on. Each entry included the date of the event, so that a chronological listing could be made. Similarly, we constructed full AFDC histories for each family, including dates and reasons for AFDC case openings and closures. Changes in the occupation and level of earnings of each father in the study file were obtained, as well as data on unemployment experience and receipt of public assistance by the father. Finally, we obtained full support histories for each father, noting the type and date of each order for support established, together with a coded assessment of the father's level of payment compliance with each order. Basic cross-tabulations and frequency distributions of data appearing on the study file are provided in Chapter IV.

In Chapter V, we examine the impact of support enforcement on the welfare dependency of female-headed families in the New Bedford region of Massachusetts. In Section B, we compare support order levels established in New Bedford with HEW levels of recommended support, noting patterns of differences where these occur. In Section C, we compare support order levels with levels of payments actually made by New Bedford fathers. We then analyze the payment levels of fathers in compliance with alternate modes and levels of enforcement. Analyses of variance

were applied to test for significant differences in support order, support payment, and delinquency levels, among fathers of different earnings levels and family sizes. In Section D, we examine the relative contribution of lax enforcement and paternal support delinquency toward the reduction of support levels in New Bedford. We then hypothesize the potential impact of enforcement on welfare dependency in states with low relative AFDC grant levels, assuming strict application of HEW support guidelines and full compliance by fathers. Projections are then compared with those for Massachusetts where the average level of AFDC grants is high.

In Section E, we examine the indirect impact of enforcement on the welfare dependency of marginal families. We document the high rates of reconciliation among these couples immediately following enforcement actions, suggesting a substantial "discouragement" effect. The duration of welfare independence among these families is also noted. Finally, we present new evidence of a second, quite different impact on family structure: enforcement of support may be encouraging couples to final marital dissolution.

In Chapter VI, we summarize our research findings. The implications of our results for the development of future child support enforcement programs is discussed. Several policy recommendations are made. For example, we propose stricter adherence to HEW minimum guidelines for support, re-orienting local enforcement toward more progressive standards. New criteria for case prioritizing are also discussed. We also suggest the expansion of IV-D enforcement efforts to include non-welfare families and the maintenance of state services in AFDC cases where the family becomes welfare-independent, given high rates of recidivism among fathers in the absence of state involvement. Finally, we make several recommendations on the direction of future research in this field.

CHAPTER II

A LEGISLATIVE HISTORY OF CHILD SUPPORT IN MASSACHUSETTS, 1620-1977

A. INTRODUCTION

In this Chapter, we discuss how and why the enforcement of support became embedded in the welfare system of law, that law which governs poor families only. Over three and one half centuries, Massachusetts child support laws, and legal remedies for nonsupport or support delinquency, have developed along two distinct paths, representing two systems of family law, one for the poor, and one for the non-poor.¹ The law of the poor, predominantly welfare legislation, was derived from the Elizabethan Poor Laws² in England, while family law for the non-poor has developed from common law tradition, generally in the courts. In this Chapter, I will show how child support laws in Massachusetts followed this pattern of dual development, and in particular, how and why the enforcement of support obligations -- or legal remedy for nonsupport -- is embedded in the welfare tradition, or law of the poor.

1. This theme was introduced by Jacobus tenBroek, "Family Law. California's Dual System of Family Law: Its Origin, Development, and Present Status", Parts I through III, Stanford Law Review, vol.16 (July 1964) pp.257-317, pp.900-981, and vol.17 (April 1965) pp.614-682. Many of the views expressed in the following Chapter originated with tenBroek.

2. 43 Elizabeth 1, Ch. 2: An Acte For the Reliefe of the Poore (1601).

Modern laws establishing the parental duty to support have been drawn from both Poor Law tradition and the precedents of common law. However, while the non-poor were expected to exercise this support responsibility according to the laws of "natural affection"¹ for their offspring, poor parents were obliged by law to support their children as well as all other "descendants from their loins".² In sum, non-poor parents were bound only by moral responsibility, while poor parents were bound by legal obligation. Distinctions were carefully drawn between the poor and non-poor to be governed by child support laws: the poor were those dependent on public relief. The strict application of support laws against poor parents on relief thereby allowed exemption of the non-poor as well as those poor who had been fortunate enough to maintain their independence from relief.

Historically, the dual theory of development in family law can be traced from earliest colonial days to the present. Many features of child support, and support enforcement, legislation exhibit this dual nature. For example, the strict liability of relatives through the principle of consanguinity was not held at common law; only under the law of the poor could relatives be held liable for the support of their poor kin. Similarly, the support obligation of unwed parents for their (so-called illegitimate) children was not held at common law; only under the law of the poor was the father held liable for the support of his illegitimate child.

1. W. Blackstone, Commentaries on the Laws of England (Cooley Ed. 1889), note 137 at 447.

2. Ibid. note 82 at 447-449, 454.

Actions to enforce support at common law have been largely unsuccessful.¹ In part this has been due to the slow development of women's rights in the courts. Women have traditionally had little control over property, particularly if married,² and in the case of marital dissolution, a mother (and her children) stand in peril of pauperism. Inequality between married persons was thus perpetuated by the courts.³ The husband was usually favored in court rulings, particularly in the matter of family support, and although not destitute, few women have had the financial independence to pursue private court actions for support. In fact, numerous laws exist which either directly or indirectly guarantee the dependency of mothers and their children on a provider (husband, father, relatives, or the state).⁴ Social, religious, political, and economic mores all combined to institutionalize the economic dependency of women,

1. The slow development of remedy for nonsupport at common law in Massachusetts is witnessed by rulings made (see Appendix A). The costs of private pursuit have always been high, while chances of successful recovery are generally slim.

2. For example, property acquired by a woman while married automatically became the property of her husband in the event of separation or divorce.

3. Where the courts did entertain applications for support orders, judgements were generally in favor of the husband. Either no award was made at all, or the court order for support was inadequate. More women were unable to leave their husbands without "just cause", a widely-used justification in the courts for absolving the husband of support responsibilities.

4. Examples of laws which have discriminated against women are provided in Barbara A. Brown *et al.*, "The Equal Rights Amendment: A Constitutional Basis For Equal Rights For Women", 80 Yale Law Journal (April 1971), p. 871. Following the passage of the ERA in Massachusetts, a thorough review was made of State laws which discriminated against women. To date, several steps have been taken to alter existing laws in compliance with ERA directives. Laws governing the child support obligations of parents, for example, were amended in 1977 so as to extend full support liability to the mother, as well as father, of the child (Massachusetts Statutes of 1977, Ch. 848 amending Ch. 273A, #1 of the General Laws of Massachusetts).

and the assumption of motherhood generally insured that dependency.

The persistence of societal notions about appropriate family roles for both men and women have also perpetuated this pattern of dependency.

Meanwhile, children had even fewer rights than their mothers under the law, a situation exacerbated by their dependence on the mother as provider in the event of marital dissolution. Until this century, fathers were automatically granted custody of children¹ in the event of a separation or divorce, although not in cases involving illegitimate children.² Consequently, nonsupport did not develop as an issue at common law until mothers were granted custody of their children. Children themselves did not have, as minors, the legal right to sue for neglect to support in their own behalf. In fact, only where a father neglected his child to the point where he or she was in danger of becoming, or had become, dependent on public relief was enforcement action taken.³ Thus, a child's right to parental support existed under the law only where the child was a pauper, and in such cases the child's rights and interests were invested in the state.⁴

1. Taunton v. Plymouth (1818), 15 Mass. 203.

2. The Massachusetts Statutes of 1789, and later 1794 (Ch.34) provided that illegitimate children only would follow the legal settlement of their mother. Although this law was later amended, the custom of maternal custody of illegitimate children has been retained. On the other hand, until this century legitimate children almost invariably followed the legal settlement of the father, as did a wife her husband's.

3. Records of Plymouth Colony, "Court Orders" (circa 1625), Ed. by Nathaniel Shurtleff (Boston 1855), vol. 5, pp. 85, 116.

4. Once the state assumed the responsibility of supporting the poor and their families, the primary public concern became that of minimizing the costs of that relief to the town, taxpayers, and state.

The lack of representation in litigation for children has persisted until recent decades. Support laws protecting children suffered a neglect similar to that of alimony laws. In fact, the political and legislative environment did not favor the development of children's rights until women began their road to emancipation in the early 1900s. By this time, the abolition of juvenile labor, changes in custody rulings, and new legislation providing mothers with aid in child care, all paved the way for the development of child support enforcement rights. Following decades produced no real changes, however, in the support rights of children at common law because remedy for nonsupport (or the enforceability of those rights) remained the almost exclusive concern of welfare legislation. Until the passage of Public Law 93-647 in 1975, child support enforcement legislation in the United States governed poor parents only. This law explicitly extended enforcement services to non-welfare applicants. However, inertia within State legislative and welfare administrations insured that child support enforcement has remained a law of the poor.

While social, political, and economic traditions governing the family discouraged the development of nonsupport remedy at common law, at the same time very stringent remedies were established within the realm of poor law.¹ Child support laws governing the poor became closely allied with most other laws governing the poor and their families. For

1. It was considered sound state policy to invest public funds in those places where public control could follow (Constitution of Massachusetts, Amendments of 1916, Article XLVI). Poor families in Massachusetts were effectively controlled by laws which governed their place of settlement, employment and occupation, various family relationships, and the personal and civil rights of family members. In effect, public support of poor families insured public control over the unemployed.

example, eligibility for public assistance and for legal town residency were conditional upon the prior fulfilment of parental support obligations, as well as the employment of both parents and children in the poor family.¹ In many cases, parents were also required to provide some guarantee of their willingness and ability to support their family or repay the town for support of their family. Sureties were often required of parents against the possible future dependency of their children on public relief. Where a family was forced onto public relief, strict penalties were applied. As the state assumed parental support obligations, the interests of the children themselves were subordinated to those of the state. Children of the poor could be bid for at local "charitable" auctions,² and indentured until majority. Their wages were applied to support of family members on relief. In a real sense, taking children of the poor out of the home for purposes of indenturing them constituted a penalty for relief dependency.³ The threat of indenture was also used to encourage the provision of adequate parental support among the marginally poor.

1. Mandatory indenture was required of all children of poor, and non-poor, parents where such parents were deemed unable or unwilling to support their children by the local town Overseers of the Poor in Massachusetts (Massachusetts Acts of 1703, Ch. XIV; Laws of the Province of Massachusetts, 1722, Ch. II).

2. A Massachusetts decree of 1672 ordered poor citizens to indenture their children or the town would do it for them by way of auction or appointment (Boston Town Records, 2 Rep. Rec. Com. Boston, p. 107; Idem 3 Rep. Rec. Com. Boston, p. 55). Public auctioning continued through to the 20th century in Massachusetts (see Old Records of the Town of Fitchburg, vol. 5, Selectmen's Report for March, 1920).

3. In 1658, the public response to the problem of poverty and nonsupport was to direct towns to appoint two or three men as Officials of the Poor, who were to determine the futures of unsupported children as follows: "[the children were] to be disposed of ... as they [the Officials] shall see meet" (Records of the Colony of New Plymouth in New England, "Laws" (1623-1682), Ed. by David Pulsifer (Boston 1861), p. 111).

The efforts of the early colonists of Massachusetts to enforce the support obligations of parents were largely motivated by a desire to lessen local poor relief burdens, and where possible, to recover some of those costs.¹ Local town accounts could be cleared by the long-term indenture of poor children and by the forced labor of their parents.² Local employers were required to accept pauper children as apprentices.³ The poor or potentially poor could be denied legal residence in a town, thereby denying them access to local poor relief. Moreover, local residents could be prevented from encouraging non-resident dependency by the private dispensing of local charity. And finally, relatives of the poor could be made liable for costs incurred by towns in support of poor families.

Although enforcement of child support obligations was applied only in cases involving relief-dependent families, we do not wish to imply that poor families themselves had ready access to nonsupport remedy. In fact, the family itself had no rights to enforcement action in the sense that it could recover child support costs from the delinquent parent while on relief. In keeping with the notion that enforcement constituted

1. This theme has been dominant throughout the entire history of welfare legislation in the United States. Current cost recovery practices have been analyzed by David C. Baldus, "Welfare As A Loan: An Empirical Study of the Recovery of Public Assistance Payments in the United States", 25 Stanford Law Review (January 1973), p. 123.

2. The requirement that fathers be employed in order to be eligible for relief is still maintained under many State welfare laws. Children not in school may also be required to register in WIN (Work Incentive) or other programs in order to continue receiving aid under AFDC (Aid To Families With Dependent Children).

3. Local landowners, trade and service employers, were under legal obligation to support local poor by accepting apprentices in a manner similar to that of the English feudal lords, although more flexibility for employers existed in the auction system of indenture.

a means by which relief costs could be recovered,¹ the action at law was not between the family and the deserting father, but between the public officials responsible for the family's maintenance, acting on behalf of the town or state, and the father or other relatives liable for support. As long as the family stayed on relief, support payments exacted from the father went directly to the town.² These features of enforcement have remained intact under current child support laws in Massachusetts.³ Support enforcement has thereby become synonymous with welfare cost recovery by the State, the rights of children to support being protected only where these State interests were involved. Moreover, the tendency for nonsupport remedy to remain exclusively within the domain of poor law, wherein litigation occurred between the State and the father, further undermined any potential remedy sought at common law by the deserted family. Until this century, there was almost no precedence for successful recovery of support costs through private court action by mothers of deserted families.⁴

1. Although support enforcement laws originally provided for cost recovery by the wife and relatives of the destitute family, these rights were gradually assumed by the State. Enforcement was carefully restricted to those cases involving relief-dependent families, in which the State could hope to recover some of its costs incurred in support of the family.

2. These payments were later made to the State Relief Board, and today are channeled into the Massachusetts State Treasury.

3. In Section D of this Chapter, we detail the development of child support laws in Massachusetts from 1620 to 1977.

4. In Appendix A, we have provided a brief list of major case rulings applying to child support and remedy for nonsupport in Massachusetts. For the most part we have included only those rulings which relate to the enforceability of the parental support obligation.

In the following Sections of this Chapter, we will illustrate the reliance of child support legislation in Massachusetts on the earlier laws developed in feudal England, primarily the Elizabethan Poor Laws. The dual development of family law which resulted in the legislation of child support enforcement is particularly evident in the Commonwealth, where support enforcement is still restricted to cases involving families on relief. For the most part, child support laws therefore govern poor families only. In Section B, we refer briefly to English Poor Law and common law traditions as they relate to the matter of child support and its enforcement. In Section C, we summarize the dual development of child support laws in Massachusetts, providing an example from laws relating to the support of illegitimate children. In Section D, we trace in detail the developments which occurred in Massachusetts poor law, demonstrating how and why the enforcement of support became embedded in the welfare system of law. The close association and interdependence of support laws and other laws governing the poor and their families will also be shown.

B. THE LEGISLATIVE INHERITANCE FROM ENGLAND

Elizabethan Poor Laws

In 16th century England, the maintenance of the family unit was not regarded as a matter of highest priority. Under the Elizabethan Poor Laws,¹ while parental desertion was established as a criminal offense, nevertheless unsupported children could be taken from their parents, generally to be indentured. Even where the mother (or both parents) were on relief, this could occur, since mother's aid was not included in relief.² In fact, all children of the working classes were required to be apprenticed, whether they or their parents were on relief or not.³ State support of children from poor families was assisted by the child labor system, which also ensured that children were trained in a craft or employable skill as well as in the general work ethic.⁴ Children could be assigned to masters whether the latter wanted apprentices or not,⁵ and the statute was silent about the rights of parents.⁶

1. 43 Elizabeth 1, Ch. 2 (1601).

2. Where the parents were unable to provide adequate support for their children, the discretion exercised by the church and state over the lives of family members was greatly increased.

3. tenBroek, op.cit., Part I, pp. 270-279, states that "any [viz. the Elizabethan Poor Law] welfare system primarily operates upon and is for the benefit of the working classes of the nation and must be regarded as an indispensable part of the overall system of labor legislation ... The paternal, custodial, coercive, and punitive attitudes of the poor law existed throughout the whole system of labor control".

4. 18 Elizabeth 1, Ch. 3, #IV (1575-1576).

5. 43 Elizabeth 1, Ch. 2, #III (1601).

6. E. Barry, The Present Practice of a Justice of the Peace, note 80 at 81-82, 88. It was later decreed that children could not be separated from their mothers for purposes of being supported by the parish (Regina v. Clarke, 7 Ell. & Bl. 119, Eng. Rep. 1217/0.B. 1857).

The state assumption of responsibility for ensuring child support grew from the premise that employable persons, including children, should be encouraged and even coerced, if unwilling, into becoming part of the economic system. On these grounds, the state could justify forcing apprenticeship on both the child and the employer. Similar arguments could not be used, however, in cases where pauperism resulted from disability, because these poor could not support themselves by their labor. As a consequence, the doctrine of liability of relatives was first introduced as a legal tool for the support of unemployables.¹ In this way, responsibility for the support of the poor was extended beyond the state to both propertied (employers) and non-propertied (relatives) classes under the Poor Laws, with substantial penalties for nonsupport.²

Referring to Poor Law provisions for support, Blackstone writes that "it is a principle of law that there is an obligation on every man to provide for those descended from his loins".³ This legal obligation extended, through the principle of consanguinity, in an ascending as well as descending direct line of a family. The parental support obligation was independent of any property rights in the child, of parental rights to the services and earnings of the child, and of parental rights to custody.⁴ Given that the legal liability of relatives had been

1. First introduced in 1597 (see 39 Elizabeth 1, Ch. 3, #VII), this doctrine was adopted as a permanent provision of the Elizabethan Poor Laws in 1601 (43 Elizabeth 1, Ch. 2, #VI).

2. 43 Elizabeth 1, Ch. 2, #VI (1601).

3. Blackstone, op. cit., note 82 at 447-449, 454.

4. tenBroek, op. cit., Part I, p. 284.

conceived as a means of supporting unemployables, thereby exempting the state of support responsibilities and costs, the extension of that liability to the widest possible circle of relatives was to be expected.

In the case of illegitimate children, both parents were included in the support obligation toward the child under the Poor Laws,¹ but in keeping with poor law tradition, only the mother was penalized by incarceration if she came to be on relief.² Advancement in the status of the illegitimate child in both Anglo and American legal history can be traced to this Poor Law provision of 1575. The same law addressed the issue of support of one class of legitimate children as well, those which were dependent on public relief. In the case of the destitute, their labor could be extracted in exchange for public relief.³ Desertion by either parent of a family was punishable by incarceration to discourage all but the most destitute from abandoning their children to the care of state relief. Penalties for family desertion, for illegitimacy, and for poverty, were applied with greatest force against those who became relief dependent, often those who could not provide support beyond their own labor.

Although the parental support responsibility carried with it no reciprocal rights to the child's custody or services, it is ironic that the state's assumption of support responsibility was also equated with a right of the state to the relief recipient's labor, both parents and

1. 18 Elizabeth 1, Ch. 3, #1 (1575-1576), although liability extended only to the mother and putative father, not to other relatives.

2. 7 Jacobean 1, Ch. 4, #VII (1609-1610) provided for punishment of one year in the house of correction for mothers who bore illegitimate children if the mother was herself a public charge (i.e. on relief).

3. Ibid, #VIII.

children, as well as a right of the state to remove the child out of the home in exercise of state custody rights. The laws governing the poor on relief further extended to state control over the family's living arrangements, rights to travel and to settle, occupation choice and even that of their children. The Poor Laws thereby created a complete system of law governing the poor family rooted in the support obligation and state enforcement of that obligation. The Poor Laws set a strong precedence for state interference in the personal and family relationships of those receiving public assistance, a precedence which was maintained in the transference of English legislative tradition to the colony of Massachusetts.

In summary, the Elizabethan Poor Laws relating to child support and support enforcement suggest that remedy for nonsupport was founded in the state's need to curtail public expenditures in its support of poor families. A child's welfare was not considered in isolation from the value of his or her labor, or that of the parents. Indeed, the parental duty to support was upheld, and enforced, only in those cases where a child was dependent for support on the state, at which time severe penalties for nonsupport were applied. The Poor Laws were therefore not designed to reduce the dependency of the welfare class per se by spreading the wealth or access to wealth from propertied to non-propertied classes. Rather, they were designed to minimize public relief costs by spreading the responsibility for the poor and their families among liable relatives, and by requiring the poor to exchange their labor for support provided by the state. The net result was the spread of poverty and the creation of a whole class of poor. The adoption of the poor law tradition by the early colonists of Massachusetts ensured the continuation of support enforcement as a law of the poor.

English Common Law

While the Elizabethan Poor Laws established a complex system for governing and controlling the poor and working classes, as well as their family and work relationships, the common law, developed primarily in the courts, established a vastly different system for the non-poor. In the absence of public expenditure and cost recovery incentives, the strict doctrine of relatives' liability, including that of parents for their children, did not find favor with the judges. As under the Poor Laws, however, the family unit was not sacrosanct. Although non-poor families were rarely broken up in the application of sanctions (for non-support. etc.), the work ethic and labor themes of the poor law were nonetheless visible at common law. In feudal times, the property relationship dominated personal and family ties,¹ families were not recognized as such, and family members had no rights as a direct result of their membership.²

As a consequence of this feudal theme, the parental support duty, and rights to support of children, were not assigned at common law. In fact, the only privileges the courts would enforce among family members were property rights between fathers and eldest son, and between husbands and wives. Other children were propertyless and considered in the status of servants.³ Even a century after feudal tenures were abolished, and

1. T. Plucknett, A Concise History of the Common Law (5th Ed. 1956) p. 545; F. Pollock and F.W. Maitland, History of English Law Before the Time of Edward I (1895) Ch. 7; M. Radin, Anglo-American Legal History (1936), Ch.35.

2. tenBroek, op.cit., Part I, p. 287ff.

3. Wardship or guardian rights existed for fathers over all other children. At his death, these rights passed not to the mother but to the natural male heir or, where the child was a minor, to the lord of the heir's land. The child was thus treated as "an adjunct to his lands" (Plucknett, op.cit., note 129 at 545).

guardianship and protection of children firmly established, the status of the minor child as servant continued to shape the course of child support at common law.¹ While servants, however, had certain rights to claim maintenance and support from a master,² between father and child there were no enforceable rights. The child was not entitled to the father's care, protection, or support, and could not sue for negligence on the part of his or her parent.³ Unlike the situation where a wife was permitted to pledge her husband's credit for necessities, children held no such rights or privileges to support at common law, except where expressly authorized by the father. In fact, a third party providing a child with necessities had no cause of action for recovery against a negligent parent.

The notion of property rights in the master-servant relationship existed in the father-child relationship only insofar as either could "maintain each other's lawsuits and might justify defense of each other's persons. The parent was liable for the torts of the child only if the child was acting as the father's servant in the discharge of some employment".⁴ The father could also obtain damages against a third party for loss or impairment of his child's services.⁵

1. Blackstone, op. cit., note 137 at 453.

2. Radin, op.cit., note 129 at 503.

3. tenBroek, (op.cit., Part I, p. 283) notes that the child had fewer rights at common law than even the servant. Further, in the development of guardianship, the guardian rights extended to the property, person, and even marriage of the child heir. The net effect of such laws was the maintenance of privilege among the propertied classes and their heirs. The exclusion of non-heirs from inheritance served to contain feudal privilege within fewer hands (1 Pollock and Maitland, op.cit., note 129 at 303).

4. E.Coke, Institutes of the Law of England (1642) p. 564; W. Hawkins, Pleas of the Crown (Curwood ed. 1824) pp.458-459; M. Hale, History of the Common Law of England (London, 1713) note 136 at 32.

5. J. Madden, Persons and Domestic Relations (1931) p. 399.

The development of child support obligations at common law was slow in comparison to their development in the Poor Laws. At common law, parental duties were defined as protection, maintenance, and education,¹ which were based on the "natural obligation of the father to provide for his children"² springing from "natural parent affection"³ which resulted from the act of begetting itself. This principle of support obligation was, however, regarded in the courts as purely moral responsibility, and not as legal obligation.⁴ Having therefore no legal remedy at common law, action to enforce support was impotent in the courts. No doubt there was some pressure from the church (and ecclesiastical courts) in the discharge of support duties, but the matter was clearly regarded as a private one governed by the individual conscience.

Thus, English common law avoided the creation of general liability of parents in support of their minor children, far less their adult children or other relatives. The only common law remedy provided by civil law was that derived from the Elizabethan Poor Laws permitting the parish or town to recover for relief extended to the poor family from both parents and from other liable relatives.⁵ The non-poor father would only be compelled to support his child in the event that the child became a public

1. Blackstone, op. cit., note 137 at 451.

2. Ibid at 447.

3. Nevertheless Blackstone states that mothers are less liable in that they are faced with the "constraint of [their] sex, and the rigour of laws, that stifle [their] inclinations to perform this duty; and besides, [they are] generally wanting in ability" (Ibid).

4. The courts continued to find that parents were under a natural duty and a moral responsibility, but not a legal obligation, in the matter of child support.

5. 43 Elizabeth 1, Ch. 2, §§1-2 (1601).

charge so that the parish provided for his or her maintenance.¹ The parallel development of both alimony and child support was not incidental. The only remedy for nonsupport available to either child or wife was through the application of the Poor Laws. And consequently, only when the mother and child were pauperized and had become relief-dependent, did the enforcement of support become a reality.² Thus, the Elizabethan Poor Laws alone stood as legal provisions on the subject of child support, providing the only precedence for enforcement statutes developed in the United States.

1. *Shelton v. Springett*, 11 C.B. 452, 456, 138 Eng. Rep. 549, 550 (1851) ruled that the father's support and maintenance of his son was outside the jurisdiction of the court, and that the exclusive remedy of the law was to apply to the parish poor law authorities to "compel the father, if of ability, to pay for his son's support". A similar ruling is found in *Mortimer v. Wright*, 151 Eng. Rep. 502 (1820).

2. *Manby and Richards v. Scott*, 83 Eng. Rep. 268, K.B. (1793) provided for unexpected precedent in nonsupport cases. The wife had left her husband for 12 years, then returned and was denied support, maintenance, and residence in his home. The court ruled that the wife's absence constituted abandonment and provided "reasonable cause" for denial of her support.

C. THE DUAL DEVELOPMENT OF CHILD SUPPORT LAWS IN MASSACHUSETTS

Summary

During the three and one half centuries of Massachusetts history, child support, and remedy for nonsupport, developed along the two distinct paths created under English feudal law. Similarly, the laws in Massachusetts represented two systems of family law, one for the poor, and one for the non-poor.¹ The law of the poor was founded in the Elizabethan Poor Laws tradition; the law governing non-poor families was derived from English common law and precedents established in the courts. Few states provide a more clear example of this dual development in family law than Massachusetts.² The earliest legislation in the colony included the almost wholesale adoption of the Elizabethan Poor Law tradition regarding duties of child support and the enforcement of support obligations.

Although modern laws in Massachusetts which establish the parental support duty are founded in both traditions, nevertheless the remedy for nonsupport is based almost exclusively on Elizabethan Poor Laws. The duty to support offspring differed under the poor and non-poor systems of family law, as has been demonstrated in the English tradition, the non-poor bound by moral responsibility, the poor by legal obligation. Similarly, the courts were reluctant to intervene in family matters and relationships, so that it was difficult, if not impossible, for a mother to bring a

1. tenBroek, op.cit., discusses the dual development of family laws in California and New York State. A general overview of the dual system in various States is provided by Thomas Willging and John Ellsmore, "The 'Dual System' in Action: Jail For Nonsupport", U. Toledo Law Rev. (Spring 1969) pp. 348-394.

2. For the most part, support laws developed in the early colonial days of Massachusetts were to become prototypes for future colonial settlements elsewhere in the country. The adoption of the Poor Laws thus insured an unbroken line of tradition from England through colonial legislation to the present day.

complaint into court against her husband, even for her own support, far less that of her children.¹ Moreover, the courts varied substantially in their application of existing support laws.² The slow development of remedies for nonsupport at common law is evidenced by the fact that, even today, a majority of nonsupport complaints are brought into Massachusetts courts by welfare officials supporting the family, not by the mother herself.

The language of modern support laws, firmly rooted in poor law tradition, continue to reflect common notions about the social responsibilities of the poor and non-poor. A strict differentiation between working and non-working poor was one way in which these notions were institutionalized. The establishment of an entirely separate system of laws governing poor families served to create a class of poor, while the spread of poverty among this class was insured by the extension of support responsibility to liable relatives. One result of dual development of the laws governing families was that various solutions to the problem of poverty tended to "reflect views about the relative roles of personal and nonpersonal causes of poverty, and the degree to which poverty was morally reprehensible, related to correctable traits of character, and [therefore] subject to

1. Courts typically ruled in favor of husbands in cases brought forward for consideration, by either refusing to allow the complaint into court, or by granting the family a support order substantially lower than required for its maintenance. Even today, court orders are established on the basis of the father's income rather than on the family's need. For further discussion of the arbitrary levels of support ruled by courts, see Marion P. Winston and Trude Forsher, "Nonsupport of Legitimate Children by Affluent Fathers as a Cause of Poverty and Welfare Dependence", Working Paper No. P-4665, The Rand Corporation (Santa Monica, December 1971).

2. Variations in court rulings in Massachusetts are discussed in "Family Support Laws. An Enquiry Into Enforcement of Non-Support", The Advisory Council on Home and Family, Commonwealth of Massachusetts (May 1972).

control by penal sanctions".¹

The development of the Massachusetts welfare system, one of the most comprehensive in the nation, brought with it a keen legislative interest in laws which guaranteed tighter public control over the expanding welfare budget and its growing population of relief recipients.² The various statutes governing support enforcement reflect this concern. In general, amendments to relief laws involved the tightening of public reins of control over the disbursement of public funds. Meanwhile, there developed a complex system of penalties and sanctions (stricter conditions for eligibility, closer monitoring of relief recipients, etc.) governing the relief population itself.³ Consider, for example, the development of laws governing the support obligations of parents of illegitimate children. Although the obligation to support illegitimate children was not held at common law, the obligation was established under the law of the poor. The reason for this was that large numbers of such children, as well as their mothers, inevitably became dependent on public relief for their support. Ironically, the rights to support of illegitimate children developed directly out of public concern for the costs of desertion of illegitimates to the public.

1. tenBroek, op.cit., Part I, p. 270.

2. In 1913, the Massachusetts legislature amended the Constitution as follows: "No grant ... shall be made for the purpose of any charitable undertaking which is not publicly owned and under the exclusive control of public officers ... authorized by the Commonwealth" (Constitution of Massachusetts, Article XLVI).

3. Frances Fox Piven and Richard A. Cloward, Regulating The Poor: The Functions of Public Welfare (New York 1971), p. 22: "Any institution that distributes the resources men and women depend upon for survival can readily exert control over them: the occasion of giving vitally needed assistance can easily become the occasion of inculcating the work ethic, for example, and of enforcing work itself, for those who resist the withdrawal of that assistance".

One consequence of this overriding public concern has been the almost exclusive enforcement of child support to cases involving relief-dependent families, those which have the potential for some sort of cost recovery to the Commonwealth, to the virtual exclusion of non-welfare cases.¹ Although courts have been used in establishing support orders, the administration of enforcement remains within the Department of Public Welfare.² In addition to the reluctance of courts to entertain private nonsupport actions until fairly recently,³ the existing administrative machinery for child support enforcement available in the Department provided a convenient vehicle for the expansion of enforcement services in the State. It also guaranteed stricter control over the disbursement of welfare (AFDC) funds to families through closer monitoring of both the delinquent and non-delinquent parent. The close alliance of the Child Support Enforcement Program in Massachusetts with the existing welfare system has ensured that child support enforcement laws continue to govern poor parents only.⁴ How and why the enforcement of support became embedded in the welfare system of law -- the law governing poor families -- is discussed in greater detail below.

1. Support recovery by the State is not restricted to current costs incurred in the State's maintenance of the family. The State is also empowered to recover past relief costs, so-called "arrearages". The financial incentives associated with enforcement in relief cases are considerable.

2. The administration and procedures of the program are outlined in Chapter III.

3. Only in recent decades have the courts tended to rule in favor of unsupported families (see Appendix A for a list of major case rulings on the matter of child support obligations).

4. Until the 1880s, child support laws had been appended to various other laws governing poor families: settlement laws, labor laws, *etc.* By the late 19th century, nonsupport had become an important enough issue to warrant the drafting of a whole new piece of legislation governing the parental support obligations. The language of the law, however, leaves little doubt that it is intended for poor families only.

Dual Family Support Laws and Illegitimacy

The distinction created under the child support laws between poor and non-poor parents has nowhere been more apparent than in the laws governing the support of illegitimate children. The support rights of illegitimate children were not founded in the common law tradition of parental moral responsibility derived from a law of "natural affection".¹ Even today there is no obligation at common law on a putative father to support his illegitimate child.² Rather, these support rights were founded directly on the tradition established under the Elizabethan Poor Laws.³ Given the high probability of lifetime pauperism⁴ of illegitimate children in early colonial days, the State was able to justify a commensurately strict level of enforcement of support against parents involved.

As early as 1576 in England, both parents of illegitimate children were required to make payments to the local parish toward their maintenance. However, only those children who became public charges were included in this law.⁵ Similarly, only mothers of relief-dependent illegitimates were committed to a house of correction.⁶ In feudal England, support

1. Blackstone, op.cit., note 137 at 447.

2. Commonwealth v. Dornes (1921) 132 N.E. 363, 239 Mass. 592.

3. 18 Elizabeth 1, Ch. 3, #1 (1575-1576).

4. This was no doubt due in part to the stigma of bastardy which followed the child of unwed parents through life, but also to the fact that parents of illegitimates were generally poor themselves. Fathers were not required to take custody, which also reduced the child's chances of being supported.

5. 7 Jacobean 1, Ch. 4, #VII (1609-1610).

6. The majority of illegitimate children were condemned to the almshouse with their mothers. Indeed, they almost invariably appeared in the house of corrections or almshouse.

enforcement thus applied only to parents who had been forced to abandon their illegitimate child to relief.

In spite of the assumption of Elizabethan Poor Law tradition in the Commonwealth, the early Massachusetts laws dealt gently with the putative father. Illegitimate children were required by law to follow their mother's legal settlement, freeing the father from the stigma associated with bastardy.¹ It also often resulted in his freedom from support duties. If a mother had been convicted of a crime, her testimony against the father of her child would not be accepted in court.² Although this provision was apparently designed to protect non-poor fathers from the accusations of "wanton" women, it also had the effect of reducing the child's chances of obtaining paternal support. The father was effectively freed from both the stigma and responsibilities associated with an illegitimate child. The putative father might be pursued for support, but that undertaking generally depended on the mother and was often futile as a means of gaining support. Until the 20th century, these children were also unable to inherit from their fathers, only from their mothers,³ so that the father was not only free from prosecution under the law, but also from future support claims on his property.

1. Legitimate children always followed the legal settlement of their father, as did wives their husbands. However, illegitimate children were required to follow their mother's residency (Massachusetts Statutes of 1789). Thus, the full support responsibility most commonly fell on the mother of the child. Although this residency requirement was repealed in the late 18th century (Massachusetts Statutes of 1794, Ch. XXXIV), the custom remained for these children to reside with their mothers.

2. Province Laws of 1785, Ch. LXVI, Section 2.

3. Revised Laws of Massachusetts, Ch. LXXXII.

The earliest development in the legal status of the illegitimate child occurred as a result of a desire to lessen the public burden of support of these children and their mothers.¹ Once a child became relief-dependent, the enforcement of support was relentless. As in feudal England, both parents were charged with the maintenance of the child, a provision which did not apply to the mother, however, unless she was on relief. Thus, the support obligation existed at law for poor mothers only. Given the church and public attitudes toward disgraceful illegitimacy, where even the separation of mother and child had been encouraged to avoid scandal and disgrace, it was natural that the law should seek to adjust the mother's grievance against the father. Therefore, the primary responsibility for the child's support was placed with the father,² although the mother was required by law to "assist" in that effort.³

If the child was on relief, the father was charged with "giving bond ... to perform the order [for support] to indemnify and save harmless against all charges of maintenance any town which might be chargeable with the maintenance of such child",⁴ and he could be sentenced to prison for non-compliance with any court order for support of the child. If he claimed extreme poverty, the mother or the town of the child's legal

1. *Vivori v. Fourth District Court of Berkshire* (1948) 28 N.E. 2d. 9, 323 Mass. 336.

2. Until 1913, when both parents were charged with support responsibility.

3. Massachusetts Statutes of 1785, Ch. LXVI, Section 2. This provision remained in all future laws governing the maintenance of bastard children: Acts of 1825, Ch. CLXXIII; Acts of 1836, Ch. XLIX, Section 4; Acts of 1860, Ch. LXXII, Section 7; Acts of 1882, Ch. LXXXV, Section 15; and Acts of 1902, Ch. LXXXII, Section 15.

4. Province Laws of 1785, Ch. LXVI, Section 2.

settlement could, after his liberation from prison, recover by action of debt any sum of money which ought to have been paid by the father to them under a prior court order.¹ In general, a father could settle his liability for an illegitimate child by payment of a lump sum, after which he would be free from all future liability.

The control of the relief agency bringing the action against the father was further sealed by the fact that a mother could be forced to testify against a father.² Moreover, no complaint brought before the court could be "withdrawn, dismissed, or settled by agreement of the mother and putative father without consent of the Overseers of the Town ... unless provision was made to the court's satisfaction to relieve and indemnify any parent, guardian, town, city, or the state, from all charges that [had] or might accrue for the maintenance of the child".³ The court could waive penalties in cases where the father had sufficient income to maintain the illegitimate child to the court's satisfaction. A second provision in the 1860 law ensured that "no [money] settlement made by the mother and father [for child support] ... shall relieve the father from liability to any town, city, or the state, for support of the bastard child".⁴ Although these provisions gave some measure of protection

1. Added by amendment to Massachusetts Statutes of 1825, Ch. CLXXIII, Section 6.

2. Acts of 1860, Ch. LXXII, Section 8.

3. Ibid. Section 9.

4. Ibid. Section 10 re-affirmed by Acts of 1882, Ch. LXXXV, and Acts of 1902, Ch. LXXXII.

to the mother and child, the fact that penal sanctions were applied in relief cases only suggests that the protection of the taxpayer was of paramount importance. Further support is lent to this theory by the fact that where a mother refused to testify against the putative father, another person was entitled to do so.¹ In fact, by 1902 the only parties to be safeguarded against future maintenance costs for the illegitimate child were to be the mother's parents (not the mother herself) and the state or relief agency supporting the child.² Gradually, the state preempted the mother's right to bring complaint into court against the father. She may still do so, but her efforts would probably be unsuccessful in obtaining support from the father unless the state were party to the action. In summary, the mother required state assistance in the recovery effort, while the state itself did not even need the mother in order to recover from a putative father.

In 1913, the court judges of Massachusetts joined in drafting new legislation governing the maintenance of bastard children.³ The thrust of the new law was to strengthen the support provisions exercised by the public on behalf of the child. As a result, we find the extension of support liability to both parents of an illegitimate child, although penalties for nonsupport continued to be applied to the father only. The prior

1. Acts of 1960, Ch. LXXII, Section 2. Prior to this time, the state had been relatively unsuccessful in recovery of support costs from the putative father because they were forced to rely on the mother's testimony.

2. Acts of 1902, Ch. LXXXII.

3. Acts of 1913, Ch. 563.

emphasis on the mother's damages against the father have shifted to a new emphasis on the state's damages against both parents. Remedy for nonsupport of illegitimates was thereby restricted to cases involving children on relief. A parallel development was occurring at this time in the case of support liability for legitimate children also: both parents were now held liable in the event the child became relief-dependent.¹ In both support laws, the parties at interest in the action were the public and the delinquent parent, rather than the deserted family and the delinquent parent. The state had gained full control over the process of enforcement. It is not surprising to find that these laws of 1913 in no way extended the actual support "rights" of the illegitimate child;² the only extension of rights was to state powers of enforcement.

1. Acts of 1902, Ch. LXXXI, Section 10: "The mother shall be under the same obligation as the father, but she shall not be liable to criminal prosecution for the enforcement of such obligation". Full criminal liability would only be extended to both parents in 1977, following the passage of the Equal Rights Amendment (Massachusetts Statutes of 1977, Ch. 848, #2, Amending Ch. 273A, Section 1, of the General Laws.)

2. At common law, the putative father was under no obligation to support his illegitimate child (Commonwealth v. Dornes (1921), 132 N.E. 363/ 239 Mass. 592) until 1948, when a court ruling established this duty at common law in a case involving an illegitimate child on relief (Vivori v. Fourth District Court of Berkshire, 28 N.E. 2d, 9/323 Mass. 336).

D. CHILD SUPPORT LEGISLATION IN MASSACHUSETTS, 1620-1977

The Family

In contrast to the feudal system of England, the early colonial system in Massachusetts gave far more emphasis in its laws to the maintenance of the family unit.¹ The early structure of government consisted of grouping the entire society into family units. No single person could remain detached, and if the person was a minor, there had to be some sort of sponsor for it. In the Bay Colony, the attachment of each child to some family, and his or her continuance there in an occupation which would later become self-sustaining, was sought by compulsion of statute as early as 1642.² In 1645, there appears a case in which it was ruled that the child should be placed in a home, attached properly to a respectable family, and should also have some form of occupation.³ By 1720, it was required that all single persons "under the age of twenty-one years [shall not] be suffered to live at their own hand, but under some orderly family government".⁴ This emphasis on the family unit, however, was not founded in a concern for the family per se, but reflected the concern of the early colonists for the public costs of family neglect

1. Although the emphasis in both cases was founded on the same precept: the family was viewed as the unit responsible for its members and their welfare.

2. Charters and Laws of the Colony and Province of Massachusetts, Published by Order of the General Court (Boston 1814), Ch. XXII, p. 73. Hereafter, this publication will be known as either Colony Laws (prior to 1690) or Province Laws (post-1690); Records of the Plymouth Colony, op.cit., "Court Orders" (circa 1625).

3. Records of Plymouth Colony, op.cit., vol. II, p. 86. This cases is the first in which a father is forced to pay child support by order of a Massachusetts court. Having left his child with a family, the father is ordered to pay "all past board bills", setting a precedence for arrears.

4. Province Laws of 1720, Ch. CXXXV, Section 2 (p. 429).

and abandonment. If the family was not held responsible for its own members, for their maintenance and welfare, the responsibility and costs of support would have to be assumed by the town in which the family resided. In the following subsections of this Chapter, we will show how the support rights of children, and support obligations of parents, were closely tied to state interests in reducing local relief burdens in the support of poor families. We find that enforcement of parental support obligations occurs only when the family has become relief-dependent. We also find that development of the support rights of children has been both assisted, and restricted, by the discriminatory application of enforcement.

First we will examine the system of public relief, and how laws for legal settlement, indenture of poor families, and liability of relatives provided the means by which the state could reduce local relief burdens. The uneasy alliance of children's support rights with state rights of enforcement and cost recovery are discussed. We then trace the development of parental support obligations under the law, demonstrating how the enforcement of these obligations was restricted to poor parents only, a bias which has persisted in the laws of Massachusetts to the present day.

Public Relief and Settlement Laws

Although the poor family or individual has never had the right to be supported by the community, in the sense that they might recover such support by action at law, the English system of public responsibility for the support of the poor had been re-affirmed as a local responsibility

within the Commonwealth. Towns and districts were empowered to raise monies and to vote for alternate methods of raising the capital necessary for this support.¹ As the colony grew, each town became responsible for its own poor exclusively. An almost immediate result of local relief responsibility was the development of a stringent system of settlement laws in Massachusetts.²

In 1639, only nine years after the founding of the Bay settlement, the court had empowered "any shire court, or any two magistrates out of court ... to determine all differences about the lawful settling and providing for poor persons; and to dispose of all unsettled persons [*i.e.* those without legal settlement status] into such towns as they shall judge to be most fit for the maintenance and employment of such persons and families, for the ease of the country".³ A section added in 1675 further empowered officials to "carefully provide that such men or women may be so employed, and their children disposed of, [so] that the publick [*sic.*] charge may be avoided".⁴ Thus, while the sole object of the first Plymouth authorities may have been to secure correct family surroundings, and to educate the child in the work ethic, there can be little doubt that in the minds of the local town Selectmen the enforcement of child support and

1. Laws of the Commonwealth of Massachusetts, November 28, 1780 - February 28, 1807, vols. I-III, Acts of 1794 (February 26): An Act Providing For the Relief and Support, Employment and Removal of the Poor: "Every town and district in the Commonwealth shall ... relieve and support all poor and indigent persons lawfully settled therein" (Section 1, p. 619).

2. In 1639, security was taken to protect local towns from relief costs by prohibiting local residents from entertaining strangers or non-local residents without prior notification of a town Official of the Poor (Boston Town Records, 2 Rep. Rec. Com. (1882) vol. I, pp.37, 95).

3. Colony Laws of 1639, Ch. LXXV, Section 1 (p. 173).

4. Ibid. Section 4 (p. 175).

family obligations by town officials had their birth in the "underlying intent to free the [local] settlement of the burden of support".¹

In order to avoid this burden, it was decreed in 1675 that towns supporting a poor person who did not have local residency status could collect damages from the pauper's town of legal residence, or else be subsidized by the public treasury.² In 1767, another law provided for the defrayment of costs incurred in the removal of poor persons to their town of legal residence. The costs were to be paid by the poor themselves, or by the local constabulary (who would be reimbursed by the town), or by the Treasury of the Province of Massachusetts.³ Moreover, it was decreed that poor persons could be denied relief if they did not have legal residency status within a town.⁴ The comprehensive settlement laws of 1794 would establish more stringent eligibility rules for the attainment of legal residency status. Settlement status depended not only on the age,

1. Robert W. Kelso, The History of Public Poor Relief in Massachusetts, 1620-1920 (Houghton Mifflin Co. Boston, 1922), p.168.

2. Under the 1672 Articles of Confederacy (Article 13), a three-month rule of inhabitancy was established as prerequisite for legal settlement in a town. Laws would tighten as waves of new immigrants reached Massachusetts (Province Laws of 1692, Ch. LXXXVI, Section 9). In 1791, new town arrivals were being banned, see A. P. Marvin, History of Lancaster (Boston 1879) p.346.

3. Province Laws of 1767, Ch. CCCVI, Sections 1 and 2 (pp. 662-663). Then in Colony Laws of 1675, Ch. LXXV, Section 4: "Considering the inconvenience and damage which may arise to particular towns ... forced to support poor persons [from other towns], where necessary they shall be supplied out of the Publick [sic.] Treasury" (pp. 174-175). In 1794, it was decreed that: "In the case of strangers, the Overseers of the Poor in the town shall provide for their immediate comfort and relief until their removal to their place of lawful settlement ... Expenses incurred by the town may be sued for and recovered, either in a civil action against the town [of lawful residency] or by complaint [criminal action] brought within two years of incurring the expenses" (Acts of 1794, Section 9).

4. Province Laws of 1767, Ch. CCCVI, Section 4 (p. 664): "No town shall be obliged to be at charge for the relief and support of any person residing in such town ... incorrectly settled". In 1772, the power to evict poor persons was extended to all justices of the peace in the Commonwealth (Province Laws of 1772, Ch. CCCXV, Section 1, pp. 674-675).

citizenry, and religion, of a person, but also on their tax payment record, and level of income.¹ Persons of religion, as well as estated citizenry and those persons successfully employed, were given preference in the dispensing of legal residency status.² Family background (i.e. the legal residency of other family members) was also a consideration, particularly where children were to be placed in the custody of one parent only.³ In addition, it was required that a person have remained independent of public relief for a certain period of time. In later years, one would also be required to have successfully supported one's family (i.e. no family member on relief) in order to obtain legal settlement in a town.

Throughout the first two centuries of Massachusetts history, settlement laws continued to reflect the concern to minimize local relief burdens. Relief remained conditional upon the successful attainment of legal residency status in a town.⁴ No person could gain settlement in a town while on relief, unless the person reimbursed the town for support costs incurred in his or her behalf.⁵ In the 19th century a new prerequisite for residency was introduced: the applicant was required to show evidence

1. Acts of 1794; An Act Ascertaining What Shall Constitute a Legal Settlement of any Person in any Town or District of the Commonwealth So As To Entitle Him to Support Therein in Case He Becomes Poor and Stands in Need of Relief (Laws of the Commonwealth of Massachusetts, vol. II, pp. 606-607).

2. Employed adults were required to have been successfully employed for three years in a town, minors for five years, in order to gain residency.

3. Legitimate children followed their father's legal settlement, as did wives their husband's. Illegitimate children were required to follow their mother's legal settlement.

4. Although a wife was generally required to follow her husband's legal settlement, where the husband was on relief, he was to follow the wife's legal settlement (Acts of 1794, Laws of the Commonwealth of Massachusetts, vol. II, Section 2 (1), p. 606).

5. Massachusetts Statutes of 1879, Ch. CCXLII.

that he could "support both himself and his dependents".¹ Children of unsettled poor were considered a major problem at this time.² Where a child was receiving relief, this was considered just as potent in preventing the legal settlement of the parents as would be their own receipt of public aid.³ The basis for this prohibition lay in the fact that the father was legally bound to support his children,⁴ and one means of enforcing that obligation was the strict application of settlement rules for eligibility.⁵

The first axiom of public relief in Massachusetts, then, was that the responsibility was local. When public relief did become necessary, the chief aim was to dispose of the poor as cheaply as possible. To be relieved at all, the needy had to be in direct want for the necessities of life, and such relief as was given was enough merely to sustain life.⁶ In order to avoid high relief costs, not only were strict settlement

1. Massachusetts Statutes of 1825, Ch. XLIX.

2. In 1821, almost half the children on relief in Massachusetts were of foreign birth or parentage.

3. *Taunton v. Middleborough* (1846), 53 Mass. 35.

4. Through the principles of consanguinity derived from the Elizabethan Poor Laws.

5. Although it appears that settlement laws were strictly enforced only in those cases involving persons on relief, where the granting of legal residency could result in higher relief costs to the town.

6. Pauperism in the early days of the colony was often unavoidable. There was little public outcry at the time over improper use of relief funds or the funding of relief ineligibles. According to Piven and Cloward, *op. cit.*, "the penalties of pauperism reinforced the coercive structure of labor law" (p. 25). Relief payments were deliberately kept below market wage levels to induce relief recipients to seek employment if they were able to work, and to reduce the likelihood of creating a viable alternative in relief to wage work.

laws in effect, but towns were also empowered by the legislature to force poor parents to work in support of their children, and to indenture the children themselves. They were also empowered to demand security from a father against his later abandonment of his children to poverty and to relief dependency. This applied also to security for the spouse of a child who had come to reside in the town and who might be in need of relief. Furthermore, all relatives of poor persons in both an ascending and descending line of consanguinity were liable for compensatory payments to the town supporting the poor person(s). Amendments to these laws generally expanded the support liability of relatives, increased penal sanctions against nonsupporting parents of families on relief, and provided for more effective control of enforcement and cost recovery processes by the state.¹

The Support Liability of Relatives

The indenturing of poor children, and the use of bonds against future poverty, were not the only means by which towns could recover part of their relief costs. Towns were also able to recover payments from relatives of the poor. In 1692, it was decreed that: "relations of such poor impotent person[s], in the line of father or grandfather, mother or grandmother, children or grandchildren, [who] be of sufficient

1. The present system in Massachusetts providing poor relief to destitute families (Aid To Families With Dependent Children) inherited many of its features from early colonial relief legislation. This included provisions for the pursuit of liable relatives, settlement eligibility rules, and even the prerequisite of employment for a male parent who, together with his family, is receiving relief.

ability ... shall relieve such poor person[s]" in accordance with procedures established by local magistrates.¹ In 1793, an amendment to this law reduced the list of liable relatives to those "residing in the state [of Massachusetts]".² The liability of relatives was not held at common law; only the relatives of poor persons on relief could be held liable.

By 1794, cost recovery through the provision for relatives' liability could be initiated not only by a town, but also by any individual who had supported a poor relative prior to their dependency on relief. Once the person became relief-dependent, action to recover damages could begin. Expanding the list of parties able to seek compensatory payments for support costs³ was thus seen as one way in which poverty and relief dependency among the marginally poor might be reduced. The 1793 amendment was specifically designed to encourage support from relatives before being compelled to do so by the town after the poor family or the

1. Province Laws of 1692, Ch. XV, Section 9 (p. 251) was adopted from 43 Elizabeth 1, Ch. 2, with only the addition of a descending line of consanguine liability. In 1675, the simple provision in the law for the relief of poor persons was amended to include: "where necessity requires, by reason of inability of relations, [poor persons] shall be supplied out of the publick treasury" (Province Laws of 1675, Ch. LXXV, Section 4, p. 174).

2. Province Laws of 1793, Ch. LIX, Section 3. The incentive for liable relatives to escape their support responsibilities by fleeing the state would remain in the law until the passage of the URESA (Uniform Reciprocal Enforcement of Support Act) provisions of 1951 which enabled the interstate enforcement of support obligations of parents.

3. Province Laws of 1764, Ch. CCCIII, Section 1 (p. 660). Care was taken to avoid favoring particular relatives in the reimbursement of support by placing a two-year limit on the support period for which relatives could recover. This period was later reduced to six months (Acts of 1794, Section 2, p. 619).

poor person had become relief-dependent. Supporting relatives could recover costs and not be pursued for support, while nonsupporting relatives were penalized. It was hoped also that the availability of some remedy to supporting relatives would equalize the burden of support among all liable relatives, even induce some spirit of cooperation through fear of future penalty into nonsupporting relatives. However, the law worked primarily to reduce, not the probability of poverty itself, but the chances that poverty would lead to higher public relief costs.

It is interesting to note that persons who voluntarily elected to support a pauper¹ were not able to recover for expenses incurred unless related to the pauper, although such support might reduce future relief costs to the state. Just as a parent's support of a child, however, did not guarantee automatic rights to the child's services, similarly support of paupers did not automatically guarantee the right to cost recovery.² In one respect, this emphasized the support responsibility as primarily a family one. But extending recovery rights to unrelated individuals would undoubtedly have weakened the notion of relatives' liability under the law. And for three centuries, the most common mode of child support enforcement would be the pursuit of relatives under the liability provision of the law.³ The restriction of recovery rights to the state and liable relatives ensured the reinstatement of public control over the disbursement

1. Voluntary charity was not recoverable at law on the grounds that it was not authorized by poor law officials and did not result from their negligence (tenBroek, op.cit., Part I, p. 303).

2. The chances of fraudulent claims would probably be higher among non-relatives.

3. tenBroek, op.cit., Part I, p. 283.

of public relief funds.¹ It also ensured that child support enforcement remained a part of the family law of the poor, and that enforcement procedures would develop almost exclusively under the control of local administrators of poor relief.

The Indenture System

Another means by which the state could relieve local burdens of support of the poor was through the system of indenture or apprenticeship. Although the support duty of parents was in no way reciprocal to a parent's rights to the services of a child, it is ironic that the state did exercise such rights to services when it was supporting an individual on relief. The poor relief statutes of 1692² provided that the Overseers of the Poor in each town would "take effectual care that all children, youth, and other persons of able body within the town, not having

1. It has been argued that the restriction of recovery rights to relatives, and of support responsibility to relatives, insured the spread of poverty among families of the poor. If the primary intention of the law was to guarantee state control over the process of enforcement and recovery, it succeeded to the extent that future child support enforcement in the courts in Massachusetts has been primarily a matter involving the state and delinquent parent. In this way, the law inhibited the development of private enforcement rights at common law.

2. Province Laws of 1692, Ch. XV, Section 7 (p. 251).

estates to maintain themselves, do not live idly, but that they be employed in some honest calling, which may be profitable to themselves and to the publick [sic.], or otherwise to bind out any poor children belonging to the town".¹

The decrees of 1692 made careful distinction between poor and non-poor parents in the application of sanctions for nonsupport. The parents of poor children (those who had no estates or who were unemployed) were required to indenture their children or the town would do it for them.²

A long-term indenture was thus one way of clearing off the town account for a poor family's support. Either the employment of all family members would ensure that they did not become relief-dependent, or, in the case of the dependent poor, the town might recover some of its relief costs from wages earned.

In 1703, these provisions were extended to include the children of potentially poor persons in the town. Indenturing thus became a sort of bond to save the town against the 'possible' relief dependency of the family. Essentially, this broadened the definition of the class of poor to include the potentially poor. The statute declared that town Overseers should also indenture "all such children whose parents shall be thought by the Selectmen ... unable to maintain them, whether they receive almes or are

1. Province Laws of 1692, Ch. XV, Section 7 (p. 251).

2. In 43 Elizabeth 1, Ch. 2, #VI (1601), support responsibility for the poor was extended to both propertied and non-propertied classes, with substantial penalties for nonsupport. All children were required to be indentured in England. In Massachusetts, however, uniform indenturing of all children was not required by the statutes, and penalties applied only to parents whose children were in danger of becoming relief-dependent. Nevertheless, in the event of poverty, penalties in Massachusetts resembled those of England: children would be sent to the house of correction with their parent (usually the mother) if too young to be indentured (Province Laws of 1720, Ch. CXXXV, Section 2, p. 429).

chargeable to the town or not, so as they be not sessed [sic.] to publick taxes or assessments, for the town or province charges".¹ By 1722, the discretion of local officials had been broadened to allow demands for security and the indenture of children of non-poor parents as well. Overseers were empowered to deal with the idle who had estates in the same way as the idle who were indigent, viz. to "put out into orderly families their children, and to improve their estates, and to apply the produce and income toward the support of them and their families".² For the most part, this sanction related to non-payment of taxes and other assessments made by towns of its residents. The law was rarely employed for the enforcement of support of children of the estated, only where their children had become relief-dependent. By 1794, the provision had been deleted from the law. Specific groups of persons were to be included under the provisions of indenture, but estated persons were not among them: unsettled persons (i.e. those without legal residency in a town), unemployed persons, persons without visible means of support, idle persons, and lewd persons were required to indenture their children or show cause why they need not do so.³ Non-poor or estated parents were thereby explicitly excluded from support obligations toward their children by this law.

1. Province Laws of 1703, Ch. XIV, Section 1 (p. 429).

2. Province Laws of 1722, Ch. II.

3. Acts of 1794, Laws of the Commonwealth, op.cit.: Persons bound out "shall receive and apply their earnings, deducting reasonable charges [for town expenses incurred] to the support of them and their families" (Section 7, p. 623).

By the 19th century, we find that the system of indenturing has become a virtual slave trade for the poor and their children. In England, employers had been forced to accept poor children as apprentices, accepting it as their share of the local burden of poor relief. In Massachusetts, however, a more democratic system was quickly instituted. The custom in most towns was to bid off the support of the town's poor at public auction.¹ Employers thereby had access to a convenient and cheap labor source through the auction system. It was always understood that a contractor could get as much labor out of the pauper or pauper's children as possible for his money.²

While the system certainly allowed more flexibility in the apportioning of poor relief costs among local employers,³ it allowed no flexibility whatsoever for the poor. Furthermore, the auction system indirectly affected the employment prospects and long-term welfare independence of workers not on relief, the marginal poor. The marginal poor were not guaranteed employment during periods when the demand for labor was low. As demand for labor rose, they now also faced fierce competition from low-wage indigents who could be obtained through the auction system. One result of this may have been a greater incentive among marginal poor families to 'abandon' their children to relief and the possible better care of the state. Relief dependency might have been the only alternative to destitution. Where a father found himself unable to provide adequate support

1. Old Records of the Town of Fitchburg, vol. 5, Selectmen's Report for March, 1820.

2. Kelso, op.cit., p. 107.

3. In feudal England, poor relief officials could force the apprenticeship of local poor and their children on unwilling landowners (tenBroek, op.cit., Part I, pp. 280-281, notes 109, 110).

for himself and his family, he might be tempted to choose the indenture of his children however meager its rewards, rather than endure prolonged pauperism.

The Support Rights of Children

During the first two centuries of Massachusetts history, from 1620 to 1820, there was no attempt to specify the parental duty to support children as a legal obligation at common law, although the notion of parental "moral responsibility" of English common law tradition was assumed.¹ The only laws which spoke of support as a duty were those which dealt specifically with the poor, laws founded directly on the Elizabethan Poor Laws. Enforcement of the support obligation, rather than the establishment of support rights, dominated the language of these laws. In fact, virtually nothing was said on the matter of children's rights. If there were assumed to be any such rights, they were clearly differentiated from the parental support obligation under the law. The reason for this was that the obligation was not based on the reciprocal rights of the child, but on the well-documented rights of the state to tax liable relatives in order to subsidize state support of poor children.

Throughout most of the 19th century, there was little change in the support rights of children. At a time when U. S. Federal and State laws were affirming the rights of the individual in most areas of the law, relief legislation continued to embody the traditions of the Elizabethan Poor Law, with its restrictive practices subjecting the poor and their families to public control. In the case of poor children rights, the period was almost retrogressive. State control over support enforcement

1. Blackstone, op.cit., note 137 at 447.

guaranteed full state discretion over the children of the poor. They were adopted out, indentured, auctioned, and even incarcerated. In sum, the support rights of the poor child had been subrogated to the support enforcement and recovery rights of the state.

All neglected children, or children of poor parents, regardless of their lawful settlement, were committed to the care and control of the State Board of Relief by the courts. Under the state system of poor relief, the child of a poor family, if not successfully indentured, was automatically sent to an almshouse, most often together with the mother of the child, where the poor kept company with criminals and other social misfits. Children who were successfully indentured were able to support themselves; those too young or unable to work were held in almshouses. Illegitimates might be sent with their mothers to a house of correction (i.e. jail). Such placements of poor children meant that there was no pressure on the state to establish a formal system of adoption for the poor. However, the growing numbers of children dumped in almshouses began to cause public outcry.¹

In 1820, the Quincy Report² was presented to the Massachusetts legislature, deploring the almshousing of neglected children and advocating greater public supervision of poor and other disadvantaged children: "Those who are poor and in infancy or childhood ... have a right to require from society a distinct attention and more scrupulous and precise supervision. They may become blessings or scourges to society, their course may be happy or miserable, honourable or disgraceful, according to

1. According to a report published in 1867, between 80% and 90% of all children sent to almshouses died there, an atrocity which continued throughout the century (Third Report of the Board of State Charity (1867), p. lxix).

2. House Documents (Boston 1820) No. 46.

the specific nature of the provision made for their support and education".¹ Thus, for the first time in Massachusetts, poor children are assumed to have a right to support by the state.² In addition, Quincy suggests that state negligence, rather than some inherent pathology in the poor child, may well be responsible for the child's future maladjustment to society. The view was clearly ahead of the legislators of the time. Almshousing, the indenture system, and the social alienation of poor children continued.³

In the absence of a state adoption agency, the State Relief Board began a program of subsidizing women who took in state wards or other children dependent on the state for their support.⁴ If the town Overseers of the Poor failed to place poor children in private homes, the State Board of Charity would place the children in private homes at the town's expense. Previous efforts to place children had had mixed success. Towns eager to defray local relief costs preferred to indenture children in order to obtain the auction bid for the local coffers. Moreover, there was little incentive until the act of 1882 for respectable families to assume responsibility for the children of poor parents. In most cases, the children had been exposed to the worst elements of society within the almshouses and jails. In 1889, another law was passed granting

1. House Documents (Boston 1820) No. 46.

2. We might question whether this so-called "right" was not in fact a perversion of the assumed right of the state to interfere and control the lives of poor families. The language of the Report suggests this may be true: the right to state support was conditional upon the right of the state to "supervise" and control the lives of poor children.

3. The only positive response to the Quincy Report was the segregation of poor children from other almshouse inmates, with the exception of "stubborn children" who would be placed together with persons "who do not provide for themselves or their families", i.e. in jail (Acts of 1825, Ch. CLI, #2).

4. Family placement provisions were passed in Acts of 1882, Ch. LXXXIV, ##1, 2.

licenses to boarding houses' for abandoned or neglected children. Although partial subsidies were offered by the state to boarding houses, the majority of poor children continued to be sent to almshouses.

The law of 1882 provided that: "the Overseers in every city shall place every pauper child in their charge over four years of age in some respectable family in the state, to be supported there by the city".¹ Towns were able to escape this fiscal responsibility through various exemptions inserted in the law. A later section of the same law allows exemptions also in cases where the family is unable to support the pauper child "without inordinate expense".² Disabled children were therefore excluded from home placement provisions. The law then states that home placements do not include "state pauper children" (i.e. those on relief).³ The law thus stood for only those children of parents who were not already pauperized themselves, only for those who had incurred some misfortune which prevented them from providing adequate support for their children. The children of poor parents were to be treated under the law in exactly the same way as their neglectful parents, and sent to jail or to almshouses. In distinguishing carefully between those eligible for adoption and those ineligible, the law effectively excludes poor children from its provisions. The so-called "right" of poor children to state support referred to in the Quincy Report should therefore be interpreted as only

1. Acts of 1882, Ch. LXXXIV, Section 1.

2. Ibid. Section 4; cf. Acts of 1887, Ch. 401. "Inordinate expense" is not defined in the law, and we may assume fairly broad discretion on the part of local officials in its interpretation. In addition to disabled children, it could refer to "stubborn" children as well.

3. Ibid. "No child who can be cared for [through family placement] without inordinate expense may be placed in the almshouse, unless [the child] is a state pauper, or idiotic, or otherwise so defective in body or mind."

a right for non-poor children, and a privilege for poor children.

One result of the distinctions made under the law between poor and non-poor was the creation of a specific class of poor. Another was the perpetuation of the stigma of relief dependency. Pauperism, together with physical and mental disability, reflected some sort of pathology associated with the whole class of poor families, a pathology which could only be purged by hard work. In this way, the rights to support of poor children were directly tied to the services which they could supply the society or state, specifically their wage work. The system of indenture and almshousing was seen as one way of insuring that poor children would have the opportunity to so "purge" themselves, in spite of their exposure to criminals presumably.¹ The laws thereby perpetuated the myth of poverty as a disease which could be cured only by the diligence of the poor themselves. To summarize, the differentiation of poor from non-poor children under the laws governing adoption, settlement, employment, and illegitimacy, strongly suggests that the primary purpose of these laws was not the development of children's support rights. In addition to the discriminatory application of enforcement against poor parents only, these laws suggest that the primary concern was fiscal.

Parental Support Obligations

The parental obligation to support, unlike state support of poor children, was in no way tied to parental rights to the services of a child. That is, the parent was legally obligation to support regardless of whether the child obeyed the parent. However, various relationships governing the

1. Kelso, op.cit., p. 175.

child were analogous to that of a servant.¹ The parental duty to train a child in an employable skill, to educate the child in writing, reading, religion, and arithmetic,² applied equally to masters and apprentices as well as parents and their children. However, just as children did not develop rights to support at common law, neither was the parental support responsibility regarded by the courts as a legal obligation.³ The courts entered non-poor family relationships only reluctantly, so that most cases of support enforcement occurred between the state and the poor parent. The courts did not exercise their powers of amendment in the matter of child support until the late 19th century, and even then showed great reluctance to issue new rulings.⁴ In the following subsection, we will show how this reluctance by the courts did not extend to cases involving poor families. Indeed, the courts would apply the full force of child support enforcement laws against parents whose children were relief recipients.

Although the 19th century did not witness any real advances in terms of the support rights of children, nevertheless parental support obligations under the law were extended considerably -- at least for poor parents. Following the Quincy Report of the early 1800s, legislation dealing specifically with the parental support duty was proposed. Previously, support

1. The Selectmen of each town were entitled to punish all "children and servants [who] behave themselves disobediently and disorderly toward their parents, masters, or governors, to the disturbance of families" (Colony Laws of 1642, Ch. XXII, Sections 1 and 2, p. 74).

2. In 1642, it was decreed that "all masters of families ... catechize their children and servants in the grounds and principles of religion, and all parents and masters do breed and bring up their children and apprentices in some honest lawful calling, labour, or employment" (Ibid. Section 1).

3. At common law, the support obligation was based on a "voluntary assumption ... implicit in the act of begetting" (tenBroek, op.cit., Part I, p.305).

4. For a complete account, see F. Hall, "The Common Law: An Account of Its Reception In the United States", 4 Vanderbilt Law Rev. (1951) p. 791.

provisions had been appended to other acts governing the poor and their families. Toward the end of the century, in addition to laws governing the support of paupers and the maintenance of bastard [sic.] children,¹ a new law was passed for the better protection of children (amended in 1885 to 'wives and children').² That the legislature deemed it necessary to create a separate child support law indicates the degree to which the problem of poverty among deserted families had become a major public concern. The new legislation was not in response to higher levels of poverty per se, but rather to the increased numbers of such families which were dependent on relief.³ As we might have expected from discussion in the previous subsection, the actual support rights of children were not significantly affected by this bill.

The statute of 1882 provided that: "any parent who abandons a child less than two years of age in the Commonwealth or who, having made a contract or provision for the board or maintenance of such child, absconds or fails to perform such contract or provision, [without] visiting or removing the child within four weeks thereafter, [and without] notifying the Overseers of the Poor of the city or town where such parent resides of his

1. Massachusetts Statutes of 1825, Ch. XLIX: An Act Providing For the Maintenance of Bastard Children.

Massachusetts Statutes of 1860, Ch. LXX: An Act Providing For the Support of Paupers by Cities and Towns; and Ch. LXXII: An Act Providing For the Maintenance of Bastard Children.

Massachusetts Statutes of 1882, Ch. LXXXIV: An Act Providing For the Support of Paupers by Cities and Towns; Ch. LXXXV: An Act Providing For the Maintenance of Bastard Children; and Ch. CCLXX: An Act Providing For the Better Protection of Children.

Massachusetts Statutes of 1884, Ch. CCX: An Act Providing For the Better Protection of Children.

2. Massachusetts Statutes of 1885, Ch. CLXXVI: An Act Providing For the Better Protection of Wives and Children.

3. There were several reasons for increased family poverty: the Civil War had produced many fatherless homes, concentrated waves of new immigrant workers created severe unemployment, and the repeal of child labor laws reduced family earnings.

or her inability to support such child, shall be punished by imprisonment not exceeding two years".¹ A second section applied only to parents of illegitimate children, who were to provide the town Overseers of the Poor with all information concerning the child's parentage and legal residence of parents and relatives.² A third, and broader, provision of the 1882 Act governed the support obligations of both parents for their minor children: "Whoever unreasonably neglects to provide for the support of his minor child or children shall be punished by a fine ... or imprisonment."³ In 1885, the law was amended to include wives as well as minor children: "Whoever unreasonably fails to provide for the support of his wife or minor child ...".⁴ In spite of the fact that support obligations now covered both spouses, only the husband was liable for enforcement under the law. While the husband was alive, the mother was not legally liable for the support of her children. Consequently, public support to her children would not pauperize her, nor prevent her from gaining legal residency.⁵

1. Acts of 1882, Ch. CCLXXII, Section 1 continues: "unless such inability [to support] arises from physical or mental disability [of the parent]".

2. Ibid. Section 2.

3. Ibid. Section 4. Note that the basic provision of the law is for "reasonable", not "adequate", support. Courts have shown wide variation in their interpretation of what constitutes "reasonable support", while the discretion is wide for state officials in determining support levels. The focus is on enforcement of the obligation, rather than on the right to support of the family. On the other hand, "unreasonable neglect" is simpler to establish. If a family is on relief, the burden of proof is on the father to prove he has contributed reasonably to their support. This clause now forms the basis of current enforcement law in Massachusetts (Section 1 of Chapter 273A of the Massachusetts General Laws: An Act Governing Desertion, Nonsupport, and Illegitimacy).

4. Acts of 1885, Ch. CLXXVI, Section 1.

5. Gleason v. Boston (1887), 144 Mass. 25.

In placing the full support responsibility on the father, maintaining a distinction between the duties of the parents, the law tended to institutionalize existing family roles: the fathers as providers for the family, the mothers as caretakers.¹ The law of 1885 clearly states that mothers are to be considered equally as dependent as children in the event of marital dissolution or desertion. While the realities of society suggest this was a reasonable assumption to make, nevertheless by not challenging the more fundamental reasons for the dependency of women, the law served in some ways to institutionalize that dependency.

At the same time, husbands were granted certain freedoms by the courts in the event of marital dissolution. It was difficult for wives to separate from their husbands without impunity. Wives were required to have "just cause" for deserting their husbands, but not vice versa. Various forms of abuse on the part of the husband were tolerated by the courts (for example, persistent unfaithfulness, physical abuse, and so on). Few wives could exercise legal leverage, or indeed had sufficient funds to leave their husbands. Divorce laws thereby tended to worsen the economic vulnerability of the mother.

On the other hand, if a husband abandoned his wife, and could prove "just cause" for doing so,² he might be relieved of his support responsibilities toward her. In some sense, her support rights depended on the services she rendered. If the family was on relief, however, the father rarely escaped, as we shall demonstrate in the following subsection.

1. Following the passage of the Equal Rights Amendment in Massachusetts, support responsibility was extended to mothers as well as fathers (Massachusetts Statutes of 1977, Ch. 848, #2).

2. "Just cause" worked against the mother's interest in two ways: (i) the burden of proof rested on her to show "just cause" if she wished to leave her husband, but (ii) if he left her for "just cause" she would have to prove his action was unjustified in order to obtain support.

Similarly, a mother was not deemed liable for child support while her husband lived, she was not exempted from liability under the principle of consanguinity. Therefore, if her child became dependent on relief she too would be liable for support. Nor was the mother exempted from full support responsibility if she was unmarried, widowed, or divorced. Her liability was restricted, however, because under the law only the father was subject to penal sanctions for nonsupport (i.e. fine or imprisonment).

Until the 1977 law which extended support responsibility to the mother, little change occurred in the laws governing parental support. The separation of the parental support responsibility increased over the century. As women were emancipated, they gained more control over their property, their marriages, and their children. Whereas before a father was automatically granted child custody in the event of marital dissolution, now the mother was almost invariably granted custody in these cases.¹ One consequence of this was that courts came to see women as more financially dependent within the family network, more dependent on a provider's income, and so they began to rule in favor of wives seeking alimony and child support.²

In 1906, the father's liability was extended beyond the wife's to include abandonment of the family: "Whoever unreasonably neglects to provide for the support of his wife or minor child, or who actually

1. The ERA cleared the path for fathers to openly contest court custody decisions which favored the mother.

2. A list of court rulings which resulted in major changes in remedy for nonsupport at common law is provided in Appendix A.

abandons them in danger of becoming a burden upon the public ..."¹ shall be punished. "Proof of neglect to provide for the support of a wife or minor child [shall be] prima facie evidence that such neglect [was] unreasonable."² In 1884, it had been decreed that "all fines imposed under this section be paid in part or in whole to the town, city, corporation, society, or person actually supporting such minor child at the time of making the complaint [against the parent]".³ In 1906, it was further decreed that fines, or sums paid under a court order for support, could also be paid "to the Treasury of the Commonwealth for the use of the State Board of Charity, if the minor child has been committed to said board".⁴ The language of these laws leaves little doubt that the provisions were designed to protect the state from the responsibility and burden of support of the deserted child.⁵

1. Acts of 1906, Vh. 501, Section 1. The addition of this clause relating to the avoidance of public burdens of support precludes the possibility that reliance on the state for the support of the family could be considered reasonable.

2. Acts of 1893, Ch. 262: An Act Relating To Evidence in Proceedings for Neglect to Support a Wife or Minor Child (amending Acts of 1882, Ch. 270, Section 4); cf. Acts of 1902, Ch. 212, Section 45. In 1929, the following prima facie evidence was decreed admissible: "A decree or judgement of a probate court establishing the right of the wife to live apart, or of her freedom to convey and deal with her property, or the right to custody of the children" (Acts of 1929, Ch. 258, Section 1; cf. Acts of 1931, Ch. 226, Section 1).

3. Acts of 1884, Ch. 210, Section 1 (amending Acts of 1882, Ch. 270, Section 4).

4. Acts of 1906, Ch. 501, Sections 2, 4. This provision has remained in effect in all cases involving children who are recipients of welfare (AFDC) grants in the Commonwealth.

5. Although the provisions allowed for "complaints to be made by the wife or any other person to the municipal, district, or police court, or trial justice of the district [in which the couple resided]", thereby recognizing the fact that common law remedy was virtually non-existent, they in no way pre-empted the position of the relief board as the primary part of interest in the action at law (Acts of 1905, Ch. 502, Section 5; Acts of 1907, Ch. 266 amending Revised Laws, Ch. 162, Section 19).

Child Support Enforcement

In the uncompromising view taken by the early settlers of Massachusetts that the family was the responsible social unit, there was naturally little tolerance for nonsupport of children. The colonial administrators were quick to develop sanctions against desertion, extending the Poor Law provisions to cover the threat of desertion as well as actual desertion. For the most part these sanctions were employed only in the event that a child became dependent on public relief. As we have illustrated in the previous subsection of this Chapter, the father of the family was then compelled by statute to support his dependents, and failing therein was himself frequently forced to employment, his children apprenticed, and the family unit broken up. In general, "failure to support" was synonymous with relief dependency.¹

In previous subsections we have outlined the use of indenture and other penalties for unsupporting parents. In this subsection we will show major development in the laws governing enforcement in the Commonwealth of Massachusetts. The present system of poor relief to deserted families, poor families, or families with unemployed parents, has inherited many of its features from the early colonial legislation governing child support enforcement, for example, the pursuit of liable relatives, settlement eligibility rules, the employment prerequisite for the male parent of a family on AFDC, and the use of fines (arrear payments) and imprisonment against nonsupporting fathers.

1. In Massachusetts and several other states (viz. New Hampshire, Rhode Island, Virginia, West Virginia, Missouri, and Arizona), the enforcement of child support is almost exclusively restricted to cases involving families on relief.

Given the unwilling poverty of the early settlers of the Colony, nonsupport was not always wilful. But the early administrators continued to apply strict penalties for nonsupport without distinguishing between poverty caused by idleness or disaffection and that which was unavoidable. In 1658, towns were directed to appoint two or three men to determine futures for unsupported children, regardless of the causes of their poverty: "to dispose of them as they shall see meet, soe [sic.] as they may be comfortably provided for".¹ The attachment of children to a respectable family in some occupation that would become self-sustaining had already been sought by compulsion of statute as early as 1642,² and these injunctions were followed by a provision which stated that, parents or masters failing, the authorities themselves would place the children out to better advantage. In 1672, the warning was re-issued by the Plymouth court: failure to support would result in the indenturing of children in the poor family.³

The threat of poverty, as well as actual poverty, was encompassed by the laws governing the support obligations of parents. While a father had no right to prevent the marriage of his child,⁴ fathers were quite uniformly required to give bond to the town against the possible future dependency of sons or daughters by marriage who came to reside with him, or else

1. During these early decades of the Colony, the English Poor Law officials continued to dump their undesirables on their colonies. Between 1617 and 1619 it was recorded that 100 children had been shipped from London to Virginia (W. A. Bewes, Church Briefs (1617) p. 96 quotes the Records of St. Alphage, London Wall).

2. Colony Laws of 1642, Ch. XXII (p. 73); Records of the Colony of Plymouth, op.cit., p. 111.

3. Ibid. vol. 5, pp. 85, 116. By 1692, local town constables and officials were themselves penalized by a fine if they were derelict in their duty to indenture poor children (Colony Laws of 1692, Ch. XV, p. 250).

4. Colony Laws of 1641, Ch. XXII: An Act Respecting Children and Youth, Section 6 (p. 76).

ensure that the offending stranger or relative leave the town.¹ Similar precautions were also recorded in a case ruling which decreed that a father had to "pay for his child's keeping [sic.], and promises to bind his house in securitie so that [the child] shall be noe further chargeable to the towne".² By 1692, it was decreed that any person who entertained a non-resident, whether related to that person or not, "shall be the town's securitie in their behalf, and shall be obliged to relieve and support them in case of need".³ Once on public relief, a recipient was required to make all possible return to the public, and invariably his children were indentured.⁴ The support obligation of the poor parent was therefore an obligation to the public as much as to the child.

Few changes occurred in these provisions until the late 1880s. The 1882 statute⁵ provided for the stricter enforcement of support through the attachment of assets, garnishment of wages, and more effective procedures for pursuit of delinquent parents. Several significant changes were made at this time to the language of the statute regarding the parental support obligation which would guarantee greater discretion for relief officials bringing a nonsupport complaint into court. In 1909, the law was amended to read: "Any person, being under legal [civil or criminal⁶] duty to support his wife, or of his or her minor child or

1. Records of the Town of Dorchester (January 1670) offers some early examples.

2. Boston Town Records, 2 Rep. Rec. Com. Boston, p. 107; Idem. 3 Rep. Rec. Com. Boston, p. 55. A wealth of other instances may be found in the records of local towns in Massachusetts during this period.

3. Province Laws of 1692, Ch. XV, Section 9 (p. 252).

4. Records of Plymouth Colony, op.cit., December 7, 1641.

5. Massachusetts Statutes of 1882, Ch. 270.

6. Acts of 1925, Ch. 216: "No civil proceeding in any court shall be held to be a bar to a [criminal] prosecution hereunder for desertion or nonsupport".

children, unreasonably neglects to provide suitable support, or abandons or leaves any of them in danger of becoming a burden upon the public, or any parent ... whose minor child, by reason of neglect, cruelty, drunkenness, habits of crime, or other vice of such parent, is growing up without salutary control or education, or without proper physical care, or in circumstances exposing [the child] to lead an idle and dissolute life"¹ [shall be punished]. A second law threatened the dissolution of the poor family. The burden of proof was placed on the parent² to "show cause why such child ... should not be committed to the State Board of Charity".³

The language is reminiscent of early legislation governing poor families in Massachusetts Colony which, as we have shown, strove to create similar distinctions between those poor for whom the law was intended and all other persons. The class of poor has been gradually expanded to include the idle, disabled, unemployed, poor, unsettled⁴ poor, unattached⁵ women, unwed parents; and now the drunken, criminal, and otherwise neglectful parent. The statute expands the rights of children, as well as the duties of parents. However, in practice the law was exercised against those on relief, or those in imminent danger of relief dependency. The unwilling poor parent was classed together with parents who criminally abused, or neglected, their children.

1. Acts of 1909, Ch. 180 (amending Acts of 1906, Ch. 501, Section 1): An Act Relating To the Support of Wives and Children.

2. In 1911, the father's liability was tempered by the inclusion of a provision for "just cause" in cases of desertion or abandonment (Acts of 1911, Ch. 456, Sections 1-7). Neglect must be wilful and without just cause to warrant criminal liability on the part of the father (Section 7).

3. Acts of 1909, Ch. 181: An Act Relative to the Care of Neglected Children.

4. Usually new immigrants.

5. Single, divorced, or widowed women were specifically included in the support liability.

In 1954, the clause would be amended as follows: "Any parent, guardian, or custodian of a minor child who ... fails to provide necessary physical, educational, moral care or guidance, or who permits the child to grow up under circumstances or conditions damaging to the child's sound character development, or who fails to provide proper attention for said child"¹ [shall be punished]. Broad discretion was available to officials determining "wilful neglect", but invariably a positive determination involved the father of a welfare-dependent family. Although other criteria could be used, such as "damaging circumstances" or inadequate "physical or moral care",² the primary criteria for child support enforcement was still welfare dependency. In this respect, the support laws had showed virtually no change over three and a half centuries of legislative history.

The exclusivity of child support as laws which governed poor families only was evidenced in the 1950 URESA bill, including the so-called Noleo Amendment.³ This required AFDC case workers to notify the appropriate law enforcement officials whenever an AFDC case involving paternal desertion was opened. The full force of the support laws would continue to be brought against fathers of families on welfare.⁴ No similar provision was made for fathers who had deserted non-welfare families. The support obligations of poor parents were thereby institutionally determined: relief extended to the family would be conditional upon the mother's full

1. Massachusetts Statutes of 1954, Ch. 539.

2. Poverty invariably requires some form of compromise in the care of, or attention to, family. Proof of criminal neglect was far easier to establish as a result.

3. Massachusetts Statutes of 1950, Ch. 273A: The Uniform Reciprocal Enforcement of Support Act.

4. The interest of the state in the support relationship is evidenced by the availability of additional remedies for the collection of support payments from fathers associated with families on welfare (28 Baylor Law Rev. (1976) p. 197, 199).

cooperation in enforcing child support against the absent father. The mother herself was excluded from initiating any action at law in pursuit of child support. She was required to assign all such rights to support to the Welfare Department. Support enforcement initiative and control had been pre-empted by the agency providing her and her children with support.¹

Summary and Conclusions

The early assumption of the role of support enforcer by the state of Massachusetts was an inevitable part of its assumption of the role of support provider. Support enforcement against fathers of families on relief had as its primary purpose the avoidance of welfare dependency, and where a family was already dependent on public assistance, the partial or full recovery of public support costs incurred. Enforcement provisions carefully distinguished between the dependent and independent poor in determining those eligible for pursuit. Support laws were therefore intricately involved with other laws governing the poor and their families: settlement laws, indenture laws, labor laws, etc., which served to reinforce the support obligations of poor parents. It was not surprising that support enforcement developed as a law governing poor parents only. The relative absence of remedy for nonsupport at common law, and various institutional mechanisms, ensured its development as a law of, and for, the poor.

1. At common law, a mother was entitled to bring action against the father on her own behalf, or that of her children. However, once on relief, she suffered the loss of this right. In a real sense, rights to support were abrogated by state rights to enforcement and recovery. State rights to recovery were subrogated to the support rights of the family [i.e. welfare support rights] to the extent of payments made to the family by the Welfare Department (Massachusetts General Laws, Ch. 18, Section 21, 1973).

The child support enforcement role assumed by the state also guaranteed the early development of a whole host of rules and procedures governing the support obligation of poor parents, together with an elaborate machinery for the enforcement of support orders in the Commonwealth.

State intervention into the family affairs of the poor has been justified on the grounds that the state is recovering damages in behalf of the family on relief. All support payments collected, however, go directly to the State Treasury for re-appropriation. The family itself cannot recover support while on relief, nor even initiates the action at law against the absent father. Indeed, the assumption of state prerogative in the enforcement process has occurred in sharp contrast to the slow development of support rights at common law.¹ State intervention in enforcement of support has also been justified on the grounds that strict application of the laws governing support obligations of poor fathers will induce non-delinquent behavior in the future. In Chapter Five, we analyze data on the support payment responses of low-income fathers in New Bedford, Massachusetts. The evidence suggests strongly that delinquency behavior is independent of level of enforcement.²

Modern laws governing child support and its enforcement in Massachusetts today are a direct reflection of the earliest legislative efforts in the Colony. First, they have reinforced the enforcement and recovery

1. The tendency for support enforcement to remain the almost exclusive prerogative of poor relief officials, wherein litigation occurred between the relief officials and the offending father, served to further undermine any potential development of remedy for nonsupport at common law.

2. Although payment compliance levels do appear to vary according to the mode of enforcement (i.e. informal agreements, probate court orders, and district or criminal court orders for support).

rights of the state rather than to preserve or extend the support rights of the family. In some sense, nonsupport did not constitute a crime:¹ damage for nonsupport was not automatically granted, nor were nonsupporting or negligent parents automatically penalized. Although a mother has the right to bring criminal complaint against the father of her children, the courts have shown reluctance to establish "adequate" support orders, maintaining the criteria of what is "reasonable" support to expect from the father. The costs of private court action are prohibitive, and chances of obtaining support on a regular or adequate basis remote. If a mother is on relief, she loses her rights to bring such action into court. In a very real sense, child support laws were enforceable only where the family was on relief. The state's interests in these cases insured strict application of the support laws.

Second, in order to maintain state control over the disbursement of public relief funds and processes of enforcement and recovery,² support laws have traditionally distinguished between the eligible poor and ineligible poor in the application of penalties for nonsupport. Originally, the unemployed, idle, criminal, and un-married were specifically included in enforcement provisions of the law. Later, the provisions would include unattached mothers, single, divorced, or widowed. Today, they also cover parents who have shown criminal neglect or abuse of their children. But the single, universal criteria for inclusion in the list of enforcement eligibles was poverty, or more specifically, relief dependency. Even

1. In fact, until the 1800s, deserted families had no clear rights to support from a deserting or negligent parent.

2. Where the family is on relief, any support payments recovered are used to reimburse the state up to the amount paid to the family (Massachusetts General Laws, Ch. 18, Section 21, 1973).

today, state interest in support enforcement involving non-welfare families is negligible in the Commonwealth.¹ Finally, the restriction of support enforcement proceedings to actions at law between relief officials and the nonsupporting parent, to the exclusion of the mother and family, reduced the potential for private remedy while guaranteeing the control of the state over the process of enforcement and recovery.

1. In part this is due to the strong traditions of enforcement law within the realm of welfare, or poor, law. As we shall show in Chapter III, it is also due to the relative lack of equivalent financial incentives in non-welfare enforcement. Aside from a small service fee, no support payments collected on behalf of the non-welfare family may be retained by the state. The Federal and state governments share collections made on behalf of welfare families.

CHAPTER IIICHILD SUPPORT ENFORCEMENT PROGRAMS

A. INTRODUCTION

In this Chapter, we will outline the development of child support enforcement programs in the United States up to the most recent legislation of 1975 (P.L.93-647).¹ The major objective of enforcement provisions has been to reduce expenditures under the Aid To Families With Dependent Children (AFDC) program by maximizing the recovery of support payments.² Support payments recovered pursuant to these provisions were to be used either to reimburse the states for assistance payments to eligible families where the sum recovered was less than the amount of the family's welfare grant, or to enable the state to terminate assistance to families for whom support payments recovered exceeded their welfare grant.³ In February of 1979, it was reported that an AFDC rollback of 19,000 families in 29 states had been achieved through the Child Support Enforcement Program since its inception in 1975.⁴

1. 42 U.S.C. §§652-653 (Supp. V, 1975).

2. Id. §§651, 657(a)(2)-(4), (b)(1)-(3).

3. Id. §§657(a)(2)-(4), (b)(1)-(3).

4. The Washington Post (2/12/79).

Given the stated goals of the program, we would expect legislative initiatives to occur in response to pressures to reduce overall welfare expenditures. This appears to be the case for at least the major legislative efforts of 1950 and 1972 following substantial increases in the size of the welfare population. The particular provisions of current child support enforcement legislation which promote these policy objectives will be noted, specifically those which provide financial incentives for state and local participation in the program, as well as those which guarantee the full cooperation of families and other parties¹ in the enforcement effort. We will also present in brief budget statistics showing the potential impact of incentive provisions in terms of financial benefits realized by Federal, state, and local governments.

In Section B of this Chapter, we trace the historical development of child support enforcement programs in the United States up to 1975. In Section C, we provide a detailed outline of the provisions of P.L.93-647, noting those provisions which guarantee cooperation in the enforcement process, and those which have served to bias enforcement efforts toward fathers of welfare families. Specific reference will be made to the program developed in Massachusetts since 1967.² The administration of Federal, state, and local programs will be presented in capsule in Section D. Finally, in Section E, methods of enforcement employed in the New Bedford Child Support Enforcement Unit will be used as a case study of local procedure.

1. For example, the employer(s), bank officials, or other government or private agency able to assist with information on the father's whereabouts or level of earnings.

2. Massachusetts began its program of enforcement as early as 1951. With the exception of Michigan, Washington, California, and Massachusetts, other states did not establish child support enforcement programs until after the 1975 legislation (P.L.93-647).

B. A HISTORY OF CHILD SUPPORT ENFORCEMENT IN THE U. S.

In the early 20th century, a Mother's Aid pension program was established in Massachusetts to assist women with dependent children, primarily widows, in the support of their fatherless families.¹ The program was the first in the nation which gave specific recognition to the problem of support deprivation and its effects on female-headed families.² By 1920, under the Massachusetts program of Mother's Aid, approximately 10,000 mothers, and almost 30,000 children, had been assisted, the state spending over \$1.5 million each year.³ However, support enforcement did not become a major public concern until the program came to include significant numbers of deserted families. During the Depression years, many families became destitute because the father was unable to provide for the care and maintenance of his family.

By 1935, the problem of poverty in female-headed families (FHF's) had grown to proportions which demanded public attention. On August 14, 1935, the AFDC (Aid To Families With Dependent Children) program was enacted as Title IV of the Social Security Act. AFDC offered welfare payments to families in which a parent was dead, disabled, absent, or, in states which exercised the option, unemployed. The main condition for eligibility was that there not be a "man in the home", a provision which applied up through 1966 when an unemployed father could remain in the home and be included in

1. Winifred Bell, Aid To Dependent Children, (New York, Columbia University Press, 1965) provides a complete history of mother's aid and pension programs, together with later AFDC programs.

2. Program benefits were generally made available only to those mothers who were from "suitable" homes, allowing considerable discretion on the part of program officials in the matter of eligibility. Mothers of illegitimate children were excluded, for example.

3. Kelso, op.cit., p. 153.

the AFDC budget of the family.¹ The "no man in the home" rule was designed to discourage unemployed or marginally employed fathers from welfare dependency by high benefit levels, but the effect in destitute families was to force the father out of the home.² Benefits for unemployed fathers have traditionally been very low. Grant levels are usually tied to local wage levels, so that grants in poorer regions of the country are invariably inadequate. Low unemployment benefits, or denying aid to fathers, forced destitute couples to "separate" in order that the family be eligible for AFDC assistance. Fathers who cheated the system by remaining in the home ran the risk of pursuit for nonsupport. Thus, the problem of nonsupport and desertion could not in many cases be dissociated from the problem of unemployment and poverty among intact families.

Two years prior to the passage of P.L.74-271 (AFDC), President Roosevelt had called for a Civilian Conservation Corps, a public works program, and a program for emergency Federal relief. The FERA, as this last was called, established a federal assumption for all relief, and most restrictions in the granting of relief were abandoned, so that traditional categories no longer were applied. Under this program, relief was given not only to widows, orphans, and other specified groups of disadvantaged persons, but also "to all needy unemployed persons and/or their dependents. Those whose employment or available resources [were] inadequate to provide the necessities of life for themselves and/or their dependents [were also] included".³

1. Massachusetts was the first state to exercise the option of the AFDC-UP program (Unemployed Parent).

2. Piven and Cloward, op.cit., argue that that this system "ensured a pool of marginal workers, men who must take work at any age and price" (p. 127).

3. Josephine Chapin Brown, Public Relief. 1929-1939. (New York, Henry Holt & Co. 1940) p. 231.

The inception of AFDC marked a beginning of the return toward welfare "reform" of the earlier massive relief expansion which had been undertaken at considerable cost to the Federal government. Relief recipients would once again become identifiable groups, each with specific requirements for eligibility, while control of relief programs gradually returned to the states and to local government control.¹ However, Federal grants-in-aid would now be available to supplement local expenditures, a feature which would remain intact throughout subsequent decades in the welfare system.²

The Second World War produced many eligible families for AFDC relief, but efforts were concentrated on providing relief to those families which had lost a father during the war, or in which the father had become incapacitated. Indeed, families with a deceased or disabled parent constituted 52% of all eligible families on AFDC by 1948 (see Table III-1). During the 1940s, however, as the AFDC program and recipient population expanded, Congress became increasingly aware of the dependency of female-headed families resulting from paternal desertion or support inadequacy. Although by definition the AFDC-dependent family was headed by a single parent in order to be eligible for relief, the swift growth of the program evidenced the larger problem of FHF economic dependency, particularly in the event of marital dissolution.³

1. With the onset of World War Two, the WPA (Works Progress Administration) was subject to sharp cuts in Federal funds, and by 1942 was eventually eliminated.

2. Title XX of the Social Security Act, Grants To States and Localities. The ratio of Federal to state fund-sharing gradually increased to 1:1 for most human services. In 1975, a major increase was effected in the Federal share to 75% of costs incurred in programs including child support enforcement.

3. The problem of the economic dependency of women is discussed briefly in Chapter I.

TABLE III-f. CHILDREN RECEIVING AFDC AS A PROPORTION OF ALL CHILDREN IN U.S. AND BY STATUS OF FATHER, 1948 TO 1974. [number of children in thousands]

[Source: Department of Health, Education, and Welfare]

Year	TOTAL AFDC CHILDREN		STATUS OF FATHER ¹²				
	Number	% of All Children	Dead	Incapacitated	Unemployed	Absent From Home	Other ³
1948	1,146	2.5%	272	327	--	522	25
1949	1,366	2.9	306	382	--	648	30
1950	1,660	3.4	350	455	--	818	37
1951	1,617	3.2	320	435	--	826	36
1952	1,527	3.0	283	402	--	808	34
1953	1,493	2.8	255	386	--	819	33
1954	1,566	2.9	245	404	--	884	33
1955	1,691	3.0	234	443	--	982	32
1956	1,707	2.9	210	451	--	1,015	31
1957	1,831	3.0	211	482	--	1,103	35
1958	2,090	3.4	222	546	--	1,278	44
1959	2,239	3.5	217	571	--	1,399	52
1960	2,322	3.5	202	569	--	1,493	58
1961	2,600	3.9	193	590	89	1,658	71
1962	2,819	4.1	198	594	179	1,774	74
1963	2,893	4.1	198	584	179	1,856	76
1964	3,097	4.3	203	583	238	1,990	83
1965	3,241	4.5	208	584	232	2,130	87
1966	3,382	4.7	212	583	213	2,282	92
1967	3,744	5.2	224	608	250	2,258	105
1968	4,207	5.8	246	652	234	2,956	119
1969	4,893	6.8	274	684	242	3,563	130
1970 ¹	6,092	8.5	341	852	301	4,436	162
1971	7,015	10.5	305	874	457	5,113	266
1972	7,787	11.2	339	971	507	5,675	295
1973 ¹	7,718	11.3	307	785	317	6,040	269
1974	7,746	11.3	308	787	318	6,062	271

1 Data for the period 1948 through 1968 based on information obtained from State agencies in June 1948, November 1953, February-March 1956, October-December 1958, November-December 1961 and May 1969. All other entire are June of the year. Data based on 1942-56 studies adjusted to agree with later classification with respect to coverage of "Absent From Home" and "Other". 1971 and 1973 are data from January.

2 Data for 1970-1974 based on findings of 1971 and 1973 AFDC Surveys.

3 Includes children with father in home as caretaker due to death, absence, or incapacity of mother.

During the 1940s, various legislative proposals designed to enforce the support responsibilities of absent parents were considered, but none were enacted. Even from that time, the desertion issue was viewed basically in terms of the economic effects of parent loss on the family. One of the reasons for this was the higher likelihood of relief-dependency among families with one parent.¹ Not surprisingly, then, we find public concern for the family was activated only when members of the family became dependent on public funds for its support. Legislative interest in child support enforcement appears to be directly related to the level of public funding required for the support of families, and to the potential for at least partial recovery of some of the costs of public support from delinquent fathers. The relative disinterest in establishing enforcement services for non-welfare families until recent years is supported by this theory.² In general, where public funds go, the public interest will follow. We therefore would expect to find the strongest legislative initiatives in child support enforcement occurring in periods of substantial increase in the size of the AFDC population and the level of funding required for its maintenance and expansion.

Such an expansion in the AFDC population took place in the years immediately following World War Two, when the numbers of eligible families rose as a result of the dramatic increase in paternal death and disability. In 1950, the Congress took its first step toward developing a child support

1. Marital dissolution among poor couples almost invariably resulted in relief dependency of the family, given the impotence of private court action for support.

2. This theme is developed in Chapter II. For the most part, financial incentives for support enforcement in non-welfare cases was too low to induce state interest until the mandates of P.L.93-647.

enforcement program by adding Section 402(a)(11) to the Social Security Act of 1935, a provision which required that State agencies notify appropriate law enforcement officials upon the furnishing of aid (AFDC) to families which were dependent because of parental desertion or support negligence. This was the so-called Noleo Amendment. In the same year Congress also passed the Uniform Reciprocal Enforcement of Support Act (URESA) which was designed to facilitate the interstate enforcement of support obligations in cases where a father had left the state.

During the 1950s, however, it would become apparent that this new notification procedure of Section 402(a)(11) was having little, if any, impact on the problem of deserted families. Even in cases where a father was located through this procedure, there was considerable difficulty in obtaining support payments due to inadequacies in the court enforcement system. Judges generally awarded the family support orders which were inadequate to meet their basic needs, court officials were often reluctant to incur costs in behalf of non-local applicants, and the long delays in securing court orders, and re-opening default cases, resulted in prolonged and expensive action for the welfare agency. Garnishment of wages or attaching property in nonsupport cases might further be hampered by the absence of enabling statutes or by statutes disallowing such action in the state of the father's residence. In cases of persistent delinquency, a court might jail the defendant, an action which rarely succeeded in altering support behavior,¹ far less in assisting the family to economic independence.²

1. The assumption that strict enforcement of support will result in non-delinquent behavior is held by program proponents even today. However, our knowledge about delinquency behavior and the reasons for nonsupport is greatly lacking. In Section C of Chapter V, we examine the impact of alternate modes and levels of enforcement on support payment levels.

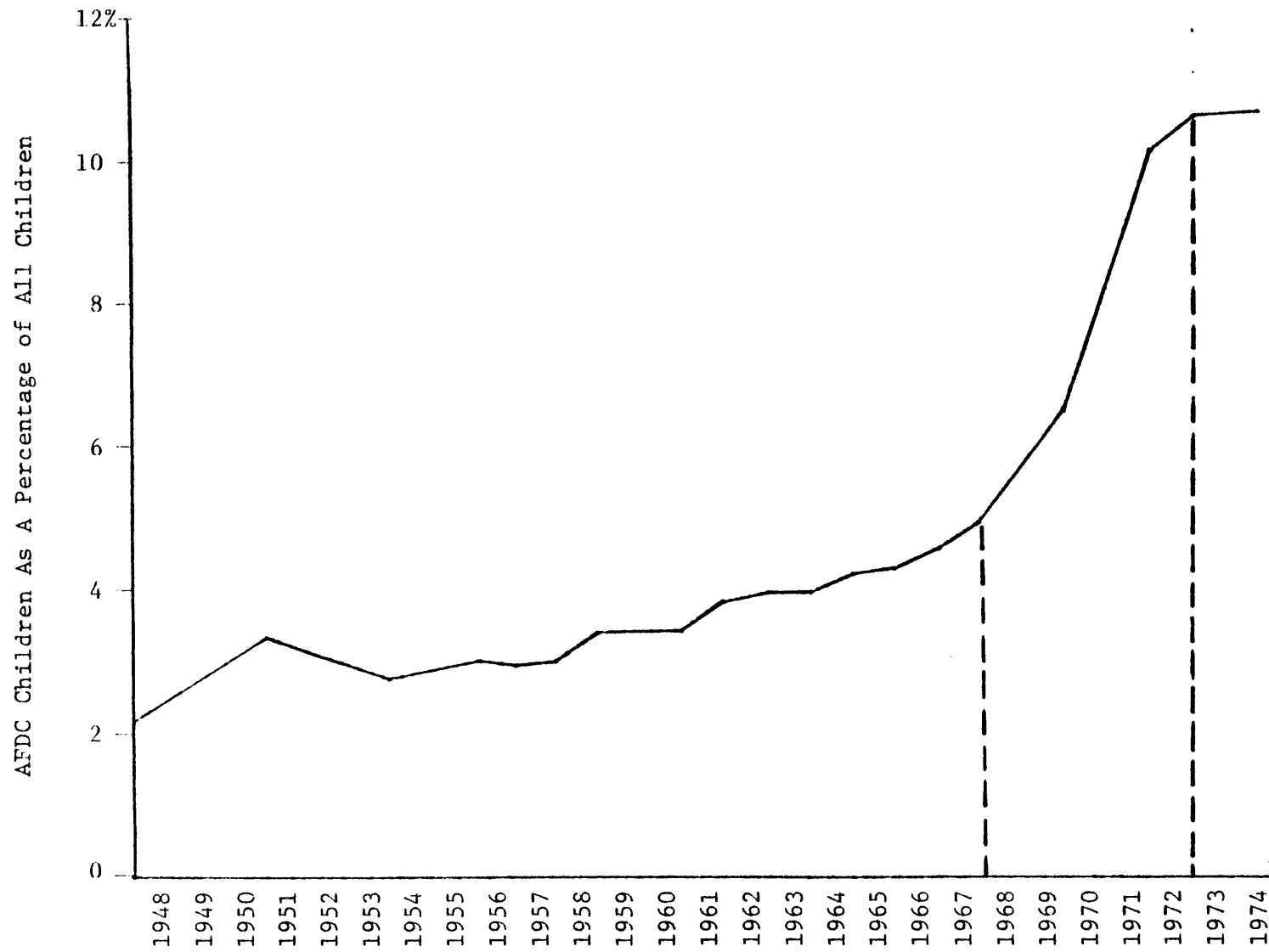
2. In Section D of Chapter V, we discuss the impact of enforcement on the welfare dependency of FHF's in New Bedford, Massachusetts.

Proponents of child support enforcement have traditionally used the HEW statistics of Table III-1 to show the growth in the AFDC population. They point out that substantial growth in that population occurred in the early 1960s, when the number of children on AFDC rose from 2.3 million to 3.2 million in just five years. In the late 1960s, the growth rate was even more dramatic, with an increase of 2.6 million AFDC children between 1966 and 1970. These increases were in contrast to the 1950s when no significant increases in the AFDC population occurred. Over the decade, the total number of AFDC dependent children rose by just 0.6 million. Using the growth statistics for AFDC, enforcement program proponents point out that the growth is primarily due to increased rates of family dissolution, particularly among the poor. The proportion of all AFDC children dependent because of parental death or disability fell significantly after the War years, while at the same time the proportion dependent due to paternal absence from the home increased. The enforcement programs of the late 1960s and early 1970s were justified on the basis of these statistics. It is therefore worthwhile to examine their validity.

Certainly, throughout the 1950s, AFDC population increases were very slight. There were even decreases in the AFDC child population in 1953 and 1956 as shown in Figure III-a.¹ That is to say, the AFDC population remained a fairly constant proportion of the overall U. S. child population. If we assume a constant level of poverty in the nation, and therefore pool of AFDC eligibles during this period, we would expect AFDC population increases to approximate increases in the overall U. S. population.

1. In 1948, the AFDC child population was 2.5% of the U. S. child population. By 1950, it had risen to 3.4%. However, over the following decade the percentage showed little change, rising to just 3.5% by 1960.

FIGURE III-a. INCREASE IN AFDC CHILDREN POPULATION, 1948 TO 1974
(18 year olds and under)



Not surprisingly, there were few legislative proposals for the establishment of a child support enforcement program during these years.

The early 1960s witnessed a similar rise in AFDC rolls commensurate with overall population growth in the nation. However, the five-year increase from 3.5% to 4.5% represented an absolute increase of one million children on AFDC, or an increase of 40% in the AFDC population. If the percentage of children on AFDC had remained a constant proportion of the overall U. S. child population during the period, we would still have expected a rise in the AFDC population. Similarly, annual increases in the welfare budget would be required even if the percentage of U. S. children on AFDC was constant. However, the 40% increase in absolute numbers of welfare-dependent children between 1960 and 1965 necessitated a substantial increase in the welfare budget. The child support enforcement legislation of 1965 and 1967 were made in direct response to these welfare budget increases.

Another problem with the interpretation of the HEW statistics in Table III-1 is that no distinction is made between fathers who are absent from the home by reason for nonsupport. Enforcement legislation proponents concluded from these statistics that family desertion rates were rising, particularly among poor families. Several points need to be made. First, in the absence of comparable statistics for the overall population, we do not know whether desertion rates among poor families are relatively higher solely on the basis of AFDC population increases. Second, we know that family dissolution among poor couples almost invariably leads to the welfare dependency of the family.

1. Although we do know that family dissolution rates are higher among poor couples. See P. Cutright, "Income and Family Events: Marital Instability", J. Marriage and the Family, vol. 33 (May 1971) pp. 291-306.

Finally , we do not know the extent to which nonsupport among fathers of families on AFDC was intentional and unjustifiable. It is widely assumed that paternal "absence from the home" implies total economic abandonment of the family by the father. In the brief discussion following, we will suggest that there are various reason for paternal absence from the home, each of which may imply a different level of ability to support and therefore,unwilful neglect.

In the years following World War Two, the numbers of AFDC children dependent because of the death or disability of a parent gradually decreased, from 52% in 1948 to 39% in 1958, and by 1968, the percentage had dropped to 26% (refer to Table III-1). During the same period, the proportion of children on AFDC due to parental absence rose considerably. In 1948, parental absence accounted for 46% of all AFDC children, rising to 61% in 1958 and 70% by 1968. Proponents of child support enforcement programs concluded from these statistics that desertion rates were rising. However, as death and disability decreased, we would expect other categories to rise in compensation. Since by definition AFDC eligibility required that a man not be living in the home, we would expect this category to dominate. It is unlikely that paternal desertions were the primary reason for the increase. Far more likely is the fact that eligibility requirements were relaxed for families in which a parent was absent from the home in order to offset AFDC caseload reductions in death and disability categories.

Promoting a program of child support enforcement on the basis of these statistics also requires that we know the reason for paternal absence from the home. We do not know, for example, whether absence is due to marital dissolution, to prolonged employment search by the father, to armed service,

incarceration, or to actual desertion by the father. In many cases, destitute couples are forced to "separate" in order that the family become eligible for AFDC assistance,¹ Each category suggests a different reason for nonsupport and possible justification for inadequate provision of support by the father.² We are also led to assume that fathers of families on AFDC pay no support at all, that they have economically abandoned their families. In some cases, fathers have continued to contribute support to their families although they are receiving public assistance, support payments commensurate with their ability-to-pay. Thus, we cannot conclude from HEW statistics that parental absence necessarily constitutes parental desertion, nor can we assume that nonsupport by absent fathers is both wilful and absolute. To promote a child support enforcement program solely on the basis of these statistics does not seem justifiable. In sum, the statistics do not tell us whether the family is on welfare because the father has withdrawn financial support or because both he and his family are destitute.³

Nevertheless, given the impotence of the notification procedure established in 1950 and the steady increase in the welfare budget, Congress passed new child support enforcement legislation in 1965, and again in 1967. It was argued that enforcement would reduce welfare costs by providing support payment collections to the states in cases where those payments did not exceed the AFDC budget of the family, and by forcing the AFDC ineligibility of families where the father's payments did exceed the

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1. Thereby satisfying the "no man in the home" condition for eligibility.
 2. The problem is magnified when we consider that changes in family structure as well as changes in the levels of earnings of both parents may each affect the welfare status of the family.
 3. We need to know also whether there is any relationship between ability-to-pay and willingness-to-pay for each category (refer to Sections B and C of Chapter V).

family's AFDC budget.

The 1965 amendments (P.L.89-97) provided that states or local agencies could obtain the address and place of employment of an absent parent from the Secretary of HEW in certain situations. The 1967 amendments (P.L.90-248) added Section 410 to the Social Security Act, providing for the obtaining of address information from the Internal Revenue Service. Information was to be made available only in those AFDC cases for which a court order for support, or petition for such an order, had been established.

The 1967 amendments also added Section 402(a)(17), (18), (21), and (22) to the Act. These provided that, as part of its AFDC program, each state would be required to establish a single organizational unit to attempt to determine paternity in the case of illegitimate children receiving aid¹ and to collect support for children receiving public assistance who had been deserted by one or both parents. The states were required to utilize reciprocal arrangements adopted with other states (the so-called URESA agreements), and to enter into cooperative agreements with appropriate courts and law enforcement agencies and officials for assistance in implementing the program of child support enforcement. The 1967 amendments also provided for Federal reimbursement of administrative costs incurred by states and localities² at a rate of 50% in cases involving paternity determinations and support enforcement activities.

1. The percentage of AFDC families involving so-called illegitimate children rose from 21.3% in 1961 to 34.7% in 1973, as shown in Table III-2.

2. That is, those under cooperative agreement with their state. Cooperative agreements provided for the channeling of incentive payments to intrastate parties to the enforcement process. Such an agreement was required before these parties could recover administrative costs from the Federal government. These costs were taken from the Federal share of support collections made in each state. States were permitted, but not required, to enter into cooperative agreements. Certain states, including Massachusetts, have shown reluctance, preferring instead to maintain centralized control over enforcement activities.

During the latter half of the 1960s and early 1970s, the AFDC population underwent a dramatic increase, rising from 4.7% of the U. S. child population in 1966 to a peak of 11.2% by 1972. Although proponents of child support enforcement programs suggested the increase was due to higher rates of family desertion, it seems far more likely that the explosion of the late 1960s was due to a conscious policy change. Piven and Cloward¹ argue convincingly that the welfare increase was in direct response to the civil disorder experienced in most major cities.² One proof of this is that the explosion did not occur in the poorer, more depressed regions of the south, where levels of income and unemployment were the highest in the nation.³ That is, AFDC populations did not rise dramatically in those areas where public assistance was most vitally needed. Instead, we find the welfare explosion concentrated in the larger, northeastern cities where black migration and unemployment resulted in political unrest. The major institution available to respond to the growing disorder was the relief system which was allowed to expand in order to defuse unrest among

1. Piven and Cloward, op.cit., p. 38: "When disruptions in the economy lead to occupational dislocation causing widespread discontent (and potential labor unrest), the government generally responds by expanding the relief rolls." The relief explosion of 1930s was similarly founded in econo-political causes. "Relief restrictions collapsed only when the situation constituted a direct threat to the political stability and order" (p. 72-79).

2. Ibid. p. 116. Piven and Cloward show how the modernization of southern agriculture forced concentrated waves of black migration to northern cities where high levels of unemployment contributed to the growth in black political power.

3. In Table III-3, we provide a comparison of AFDC grant levels in various regions of the nation. Local relief levels reflect local variations in wage levels as a rule, so that in areas of the south where wage levels are lowest, AFDC grant levels are commensurately low in order to avoid potential competition between public relief and local industry. Maintaining grant levels well below wage levels is designed to ensure that workers are discouraged from relief dependency. Karl Polanyi, The Great Transformation (Beacon Press, Boston, 1957) called this the "deterrent doctrine of relief" (p. 82) for all but the most destitute.

the unemployed and poor in the nation, at least those with a potential for causing civil disorder. It seems far more likely that conscious policy change, rather than an abrupt behavioral change (i.e. higher desertion rate), was responsible for AFDC increases.¹ The fact that increases occurred in cities where AFDC benefit levels were increased, and rules for eligibility relaxed, makes this argument even more compelling.²

Regardless of the real reasons for the AFDC population explosion, public concern was directed toward the fact that the number of children on AFDC had more than doubled between 1967 and 1972, rising from 3.7 million to over 7.8 million by 1972.³ The annual increases in the welfare budget necessitated by this rise in the AFDC population were considerable. Statistics released by HEW showed that of the 7.7 million children receiving AFDC grants in all states in 1973, 6.2 million (or 83%)⁴ had an absent parent, the vast majority of whom were fathers.⁵ From Table III-2, we see that the percentages of families dependent on AFDC as a result of the death, disability, unemployment, or informal separation of the parents, fell between 1961 and 1973. At the same time, the percentages of families dependent due to divorce, legal separation, and illegitimacy, rose. Together, these last factors accounted for 73% of the growth in AFDC

1. For example, it is difficult to believe that changes in paternal desertion rates, or in nonsupport rates, were alone responsible for the sharp increase in AFDC population between 1967 and 1972, as well as for the halt in that increase occurring in 1972 (refer to Figure III-a.)

2. Regional variations in AFDC grant increases between 1960 and 1969 are shown in Table III-3.

3. While the overall U. S. child population fell by 3.4% during this period, the AFDC child population increased by 108%.

4. The percentage of AFDC families with an absent parent had risen from 67% in 1961 to 83% in 1973 (see Table III-2).

5. Only 1.2% of all AFDC families had a mother absent from the home in 1973 (see Table III-4).

TABLE III-2. AFDC FAMILIES, BY STATUS OF FATHER WITH RESPECT TO THE FAMILY, 1961 and 1973

Year	Total AFDC Families ¹	Absent From the Home								Other Status ²
		Deceased	Incapacitated	Unemployed	Total	Legally Separated Or Divorced	Non-Legally Separated Or Deserted	Not Married To Mother	Armed Forces, Imprisoned, Other Reason	
1961	884,441	68,418	160,226	45,881	590,236	120,947	237,383	188,645	43,261	19,680
	100%	7.7%	18.1%	5.2%	66.7%	13.7%	26.8%	21.3%	4.8%	2.2%
1973	2,989,891	120,095	237,946	119,795	2,481,949	660,693	705,403	1,038,211	77,642	30,106
	100%	4.0%	8.0%	4.0%	83.0%	22.1%	23.6%	34.7%	2.6%	1.0%

¹ 1961 estimates do not include Guam, Oregon, or Massachusetts. 1973 estimates do not include Region I or the territories.

² In 1973, this figure applied to families deprived of the mother's but not the father's support.

Sources: 1961 AFDC Study, Table 12.

NCSS, Department of Health Education, and Welfare, AFDC Study 1973, Table 37.

Child Support Data and Materials, Committee on Finance, U. S. Senate (Washington D.C., November 1975).

TABLE III- 3. AVERAGE MONTHLY PAYMENT FOR AFDC RECIPIENT¹

Region	June 1951	June 1960	February 1969
South	\$14	\$21	\$26
West	27	35	39
North Central	25	33	45
Northeast	27	35	53
National Average	22	30	39

¹Excluding AFDC-UP (unemployed parents) cases.

Source: Piven and Cloward, op.cit., p.132. They further note that, "at the extremes, a person in Mississippi got \$5 per month, while a person in California got \$36 per month. Between 1951 and 1969, payment levels almost doubled everywhere; still, Mississippi paid \$10 per person per month, while Massachusetts paid \$68. [Moreover], these differences in grant levels varied directly with differences in wage levels[within each region]. In 1969, the rank order correlations between relief payments and agricultural wages was .77." Massachusetts has traditionally had relatively higher benefit levels; for example, In 1939, while Arkansas gave only \$8.10 per month to families with dependent children, Massachusetts offered such families \$61.07. Nationally, levels of aid averaged about half what employables were earning on federal work relief projects (p.116).

TABLE III-4. AFDC RECIPIENT CHILDREN, BY REASON DEPRIVED OF PARENTAL SUPPORT, 1973¹

Total Recipient Children	Deprived Because Father ²									Deprived of Mother's Support
	Absent From Home									
	Unemployed	Deceased	Incapacitated	In Armed Forces	Divorced	Separated		Not Married To Mother	Other Reason	
						Court Decree	No Court Decree			
7,717,665	317,223	306,941	784,765	14,484	1,369,237	305,789	1,915,850	2,434,872	173,588	94,906
100%	4.1%	4.0%	10.2%	0.2%	17.7%	4.0%	24.8%	31.5%	2.2%	1.2%

¹ Proportions may be underestimates because the upper limit of nine children per family was used for each category

² The father is the child's natural, adoptive, or legally responsible stepfather.

Source 1973 AFDC Study, Pt. 1, Table 17 (NCSS, Department of Health, Education, and Welfare).
Child Support Data and Materials, Committee on Finance, U. S. Senate (Washington D.C., November 1975).

families with an absent parent between 1961 and 1973.

As relief costs rose, the welfare system became a target for public criticism and concern. As a source of political controversy, it became an obvious target also of proposals for "reorganization" and "reform".¹ Congress began to regain control of the AFDC program, their efforts ranging from the removal of recipients from the rolls through provision of various social and rehabilitative services to what critics have regarded as regressive work requirements for recipients.² Renewed efforts to establish a comprehensive child support enforcement program in the early 1970s were part of this overall plan to reduce welfare expenditures.³

For the first time, HEW published statistics on the level of non-support among fathers associated with AFDC families. Of the 83% of families with an absent parent in 1973, only 32% were reported to have a court order for support and/or voluntary agreement to provide child support. Furthermore, only 22% of all families with an absent parent were receiving the full amount of that order, indicating a post-order delinquency rate of around 30%.⁴ More than half of all AFDC families with an absent parent were receiving no support at all; that is, the state was receiving no support

1. Piven and Cloward, op.cit., p. 183-184.

2. Abe Lavine, "Administration of Public Welfare in the Case of Aid To Families With Dependent Children", (Unpublished Manuscript, October 1976), p. 47.

3. Congressional sponsors of the bill included Senators Russell Long, Chairman of the Finance Committee, Herman Talmadge (D.-Ga.) and Henry Bellmon (R.-Okla.), all conservatives. In 1967, Senator Long had stated: "The cost of this [AFDC] program is going up very, very drastically, and in regard to most of these children, there is a father somewhere earning wages ..." Few liberals objected to a program designed to "guarantee the rights of poor children to paternal support".

4. Since SRS summary statistics for AFDC families assumed that parents under voluntary agreements were paying in full, their statistics probably underestimate actual levels of support delinquency.

on behalf of the family from the absent parent.

It was also apparent by 1972 that, with a few notable exceptions,¹ the 1965 and 1967 amendments for child support enforcement were not being vigorously implemented by the states. HEW had been concentrating on the implementation of alternate methods of achieving a welfare rollback, and had not placed a high priority on enforcement of the child support provisions of the Act. In particular, it was felt that states would require additional incentives, specifically a higher rate of Federal cost-sharing, in order to be induced to expand their enforcement programs. Those states with lower welfare (AFDC) populations, who could not hope to recover substantial amounts in child support payments from absent fathers, would be the primary target of any increase in the Federal cost-sharing rate and incentive payments.²

1. Viz. Massachusetts, Michigan, California, and New York.

2. States could claim 50% of all collections made by fathers associated with families on AFDC. However, payments recovered from absent fathers associated with non-welfare families could not be claimed by states, but were instead to be directed to the family itself. States could claim 50% cost reimbursement from the Federal government for enforcement in both welfare and non-welfare cases.

C. THE NEW CHILD SUPPORT ENFORCEMENT PROVISIONS (P.L.93-647)

In order to strengthen the earlier provisions for child support enforcement, the Senate Committee on Finance included in H.R.1, reported on September 26, 1972,¹ a version containing a new Part D of Title IV of the Social Security Act. This proposal, with some major exceptions,² formed the framework for the new Title IV-D which would be enacted in Part B of Public Law 93-647 in January, 1975. The child support provisions included:

- (1) The transferral of program responsibility from the Secretary of HEW to the Attorney General of the United States, who would determine which state programs qualified for Federal funding according to the standards stated in the proposal.
- (2) A new Parent Locator Service would be made available on request to all welfare and non-welfare applicants seeking to establish or enforce the support obligations of absent parents. All Federal and other agencies would, if necessary, furnish available records and files of information on addresses of delinquent parents. Only this part of the program was to be made available to non-welfare individuals under this early versions.
- (3) As a condition of eligibility for support from AFDC, individuals would be required to assign all rights to support over to the state, and to cooperate with officials or the IV-D agency in establishing paternity or in obtaining support payments for themselves or a child, although children themselves could not lose their AFDC grant if such conditions were not fulfilled.
- (4) States would be encouraged to use voluntary agreements to establish paternity and secure support. However, states would be required to establish the necessary administrative mechanisms to enforce these agreements.
- (5) States would be entitled to receive as incentive payments those child support collections which they made.

1. Senate Report No. 92-1230, legislated on September 25, 1972.

2. Several examples were: (i) the level of IRS assistance was limited to cases involving enforcement of court orders for support (i.e. those involving arrears); (ii) AFDC recipients would later be protected against grant reductions in states which had low relative grant levels (support payments could not be used to offset grant payments); (iii) a major revision in the later version of the child support enforcement bill was the inclusion of non-welfare individuals as eligible for enforcement, as well as parent locator, services from the state; (iv) provisions for regional blood laboratories were later abolished.

- (6) In collecting support payments, the collection mechanism of the IRS could be utilized by the Attorney General.
- (7) Individuals who failed to meet their obligation to support their children would be subject to a penalty of 50% of the child support amount which was due, or \$1,000, or a year's imprisonment, or a combination of these penalties.
- (8) Regional blood typing laboratories would be set up to assist in paternity determinations.
- (9) The wages and salaries of employees of the Federal government could be garnished in order to collect child support or alimony payments from delinquent parents.
- (10) Child support payments collected by the state IV-D agencies under this program would have to be distributed as provided by the statute.

The child support provisions of H.R.1 were passed by the Senate, but were not considered, due to insufficient time, at the House-Senate Conference. The House Ways and Means Committee, however, undertook to report out a social security bill in early 1973 for consideration by the Senate, H.R.3153, which passed the House in March of 1973, and was referred to the Senate Committee on Finance.

Despite the exclusion of Title IV-D from the H.R.1 amendments that became law, interest in legislation which would establish a child support enforcement program continued to be strong in the Senate. Two bills, S.1842 and S.2081, were introduced in the first half of 1973. S.1842,¹ introduced by Senator Bellmon on May 17, proposed a new Title XX of the Social Security Act which would have established a Parent Locator Service (PLS) similar to that proposed in H.R.1 provisions, but it would be operated by the Secretary of HEW. Nonsupport by a parent of a child on AFDC would thereby create a debt owed by that parent to the United States which could then be enforced by the Attorney General.² This bill also proposed that

1. 93rd Congress, 1st Session.

2. Based on the fact that support payments made to the child were made directly by the Secretary of HEW.

non-cooperation by AFDC recipients in the program would result in fines or imprisonment. Senators Nunn and Talmadge introduced S.2081¹ on June 25, proposing, with some minor changes, the same new Title IV-D as in H.R. 3153 (those deleted from H.R.1). On September 25, 1973, public hearings were held on these two proposals, S.1842 and S.2081, by the Senate Finance Committee.

On November 21, 1973, after consideration of the proposal passed by the House (H.R.3153) and the other two bills before it, the Finance Committee reported H.R.3153² the Social Security Amendments of 1973. The Committee had decided to leave the child support enforcement program under state administration and under the direction of HEW, but at the same time mandated more aggressive administration at the Federal, state, and local levels with the inclusion of various incentive provisions for compliance and with penalties for non-compliance. While the basic services under this program were the same as the earlier Title IV-D proposals, there were some significant changes:

- (1) The Secretary of HEW, rather than the Attorney General of the United States, would have the primary responsibility for the program, with powers to create a new and separate organizational unit to operate the program, together with specific functions assigned to the Assistant Secretary:
 - (a) to establish the Parent Locator Service (PLS) providing the services described in H.R.1;
 - (b) to establish standards for state program organization, staffing, and operation, to assure an effective program, to review state plans for their enforcement program, and to evaluate state program operation in order to determine if a penalty should be imposed (a loss of 5% of Federal financial participation in the state's AFDC program);
 - (c) to certify cases as being appropriate for using the Federal courts to enforce support obligations, and others for collection by the IRS; and
 - (d) to establish regional blood typing laboratories.

1. 93rd Congress, 1st Session.

2. Id.

- (2) Primary responsibility for operating the child support enforcement program would be placed with the states, pursuant to a state plan, which plan must meet minimal standards set, before Federal monies would be made available. A state would receive reimbursement of 75% of the administrative costs it incurred in the provision of services pursuant to the state plan (Section 455).¹ Major requirements of that plan were:
- (a) the state must designate a single and separate organizational unit to administer the program under which it would establish paternity and secure support for those for whom an assignment was effective;
 - (b) the state must also provide child support enforcement services for non-welfare applicants, not merely offer PLS services;
 - (c) the state would enter into cooperative agreements with appropriate courts and law enforcement officials, and cooperate with other states under the URESA provisions in locating absent parents, establishing paternity, and securing support;
 - (d) the state would establish a Parent Locator Service (PLS) which would utilize both Federal PLS services as well as state and local resources;
 - (e) the state would maintain a full record of collections and disbursements made under the plan; and
 - (f) child support payments collected would be made directly to the state for subsequent distribution (not to the family), and be distributed in the manner outlined in (3) below.²
- (3) A new procedure for the distribution of child support collections made (subsequently adopted in P.L.93-647) would replace the distribution procedure included in H.R.1:
- (a) all child support payments would be made directly to the state IV-D agency, and would only go directly to the family when that family was no longer eligible for assistance;

1. A substantial increase over the 50% reimbursement available under the repealed Title IV-A provisions. The reimbursement applied to costs incurred by the state, as well as local law enforcement officials and agencies under cooperative agreement with their state. It applied to administrative costs incurred in both AFDC and non-welfare enforcement of support. Section 458 of the Act provided that political subdivisions collecting and enforcing child support on behalf of the state would receive an incentive payment in cases involving an AFDC recipient. The provision also applied to states enforcing support on behalf of other states through URESA.

2. This did not apply to child support payments for non-welfare applicants. States would no longer have the option of allowing child support payments by an absent parent to be made directly to the family as an offset against their AFDC assistance grant, as had been the case under the repealed Title IV-A provisions. If the support payment collected was insufficient to make the family ineligible for public assistance, the family continued to receive its full AFDC grant, and the support payment was distributed as required by Section 457 of the Act.

- (b) 40% of the first \$50 collected (during the first 15 months of the program only) would go to the family as an incentive payment over and above the AFDC assistance grant amount;¹
- (c) otherwise, all support collected would go directly to the state IV-D agency. If the monthly collection was greater than payments made by AFDC to the family, the additional amount would be credited to the family up to the amount of the court order established per month. Collections exceeding this would go to the state IV-D agency to offset past AFDC child support payments to the family (so-called arrears). At this point, the family is generally ineligible for continued AFDC support. Amounts retained by the state IV-D agency would be distributed between Federal and state governments according to the proportional shares contributed by each for funding of family support programs (AFDC),² as well as to local courts and other law enforcement officials and agencies under cooperative agreement with the state to be taken out of the Federal share of support collections at the rate of 15% of total collections per case.
- (4) Incentive payments would be assessed, for local authorities under cooperative agreements with states, at 25% of amounts collected during the first year of collections, reduced to 10% of collections in subsequent years.³
- (5) U. S. district courts could be used to enforce interstate child support cases if such cases were certified by the Secretary of HEW under the URESA provisions.
- (6) Eligibility requirements for applicants to AFDC for child support would be added to the program, namely the assigning of all support rights to the state, cooperating with the state IV-D agency in its efforts to establish paternity and secure child support, and furnishing the agency with the social security numbers, and other information regarding the employment and whereabouts of absent parents, where possible.

1. This provision was subsequently dropped from the program.

2. These shares were to be computed according to the FMAP (Federal Medicaid Assistance Program) formula based on per capita industrial wage earnings in each state. The FFP (Federal Financial Participation) level in Massachusetts for most Title XX human services, including AFDC, is currently 51.62%. It is expected to be revised upwards to 51.75% in Federal FY 1979.

3. This incentive provision resulted in a bias toward enforcement of new AFDC cases by local court officials and agencies. Subsequently, the incentive payment was amended in Section 458(a) to a flat 15% of collections made. The incentive was computed as a percentage of the first year's obligation, so that if a fathers' child support obligation was assessed at \$100 per month (\$1,200 per year), the incentive payment would be 15% (no longer 25% then 10% in later years) of that first year's obligation, or \$180. This incentive payment applied to enforcement in AFDC cases only, which has led to AFDC case preference by many courts and agencies. In non-welfare cases, the enforcement agency may, in addition to a fee for application, deduct from child support collected on behalf of the family some amount that is not "prohibitive" (*i.e.* would not discourage non-welfare applicants from seeking enforcement services). Considerable discretion is allowed in these cases.

- (7) The emphasis in the prior child support enforcement proposals on the use of voluntary agreements as a basis for establishing the support obligation of absent parents was to be omitted from this bill.

H.R.3153 was subsequently passed in the Senate on November 30, 1973 (66 votes to 3) and went to a House-Senate conference in December of that year, at which time certain provisions that required immediate implementation were taken from H.R.3153, incorporated into another bill, and then enacted into law. No further House-Senate conferences were held on H.R. 3153. However, in December of 1974, after the House had passed H.R.17045¹ establishing a new Title XX of the Social Security Act, the bill was passed onto the Senate Finance Committee, which struck certain provisions of the House bill and substituted the social service provisions, child support enforcement provisions, and work bonus provisions from H.R.3153. The original provisions for child support from H.R.1, amended in H.R.3153, were now added to H.R.17045, which passed the Senate on December 17, 1974 (76 votes to 17), and from there went to a House-Senate conference.

During this conference, the work bonus provisions were deleted, the social service provisions were compromised, and the child support enforcement provisions were approved, except for the following modifications:

- (i) the "Assistant Secretary" in the bill could be "person designated by the Secretary";
- (ii) the blood typing laboratories provisions were deleted; and
- (iii) the IRS collection mechanism² was modified to apply only in court-ordered cases of child support delinquency (arrears cases), with 60-day notice to the absent parent the first time of collection.

1. 93rd Congress, 2nd Session.

2. At present, the IRS may supply the state IV-D agency with information regarding the delinquent parent's income. The IRS collection mechanisms may also be utilized by IV-D agencies (viz. attachment of property, or wage garnishment procedures). At present, these procedures are operative in arrears cases only. The IRS charges a total of \$122.50 per case for such assistance. The low cost of services provides a strong incentive for pursuit of AFDC cases by state IV-D agencies.

H.R.17045, as amended, was approved by both Houses and signed by President Ford on January 4, 1975, as Public Law 93-647. The effective date of the statute was to be July 1, 1975, delayed to August 1 by P.L.94-46 which recognized the inability of states to implement the law due to lack of statutory authority or because of statutory barriers. It was also found that because of maximums in a few states on the amount of aid payable to families under AFDC programs,¹ certain recipients having child support income would lose some disposable income when P.L.93-647 was implemented.

To alleviate these and other problems, Congress passed P.L.94-88 on August 1, 1975, and offered as amendment to a tariff bill (H.R.7710)² a bill which had already been approved. This amendment provided for:

- (a) temporary waivers for certain states for the requirement for implementation of plans under P.L.93-647;
- (b) protection of recipients of AFDC from a decrease in their grants because of payments in child support made directly to the state;
- (c) waiver of the requirement for support assignments by AFDC recipients during transitional period;
- (d) modification of the safeguarding of information provision of P.L.93-647;
- (e) excusing applicants on AFDC from the cooperation requirements in establishing paternity or securing support³ when doing so would not protect the "best interests" of the child;

1. i.e. states with relatively low AFDC benefit levels.

2. By Senator Long, Chairman of the Finance Committee that day.

3. The burden of proof law with the AFDC recipient unwilling to cooperate with the state IV-D agency to establish the effects of cooperation as they applied to the "best interests" of the child on the basis of such criteria as: (1) the birth resulted from rape or incest; (2) probable cause to believe that physical harm would occur to mother or child as a result of her cooperation; (3) the mother claims to have cooperated to the fullest, and the IV-D agency is unable to prove otherwise. These early guidelines provided by the AFDC Handbook (4/1/76) were challenged by various groups acting on behalf of non-cooperating mothers (e.g. Center On Social Welfare Policy and Law, New York City). In February of 1978, grounds for non-cooperation were extended to include the child's "best psychological interests". However, burden of proof still lay with the non-cooperating mother.

- (f) removal of the vendor payment limitation with regard to child support; and
- (g) authority for quarterly advances to states for child support enforcement programs, and payments to states for certain expenses incurred during July of 1975.

This amendment was approved by both the House and Senate and signed into Law by the President on August 9, 1975, as P.L.94-88.

D. THE ADMINISTRATION OF CHILD SUPPORT ENFORCEMENT

Since the passage of P.L.93-647, child support enforcement plans have been developed in all states, together with programs for enforcement. On March 8, 1977, under the new Carter Administration's departmental re-organization plan, the SRS (Social and Rehabilitation Service), whose Administrator was Director of OCSE (Office of Child Support Enforcement), was abolished. The Commissioner of Social Security was designated as Director of OCSE under authority delegated by the Secretary for Human Services (formerly HEW). The status of OCSE as a separate organizational unit within the Department remained unchanged.¹ OCSE is responsible for all program and policy aspects of child support enforcement (Title IV-D of the Social Security Act), and has three divisions: the Parent Locator Service, Policy and Planning, and Administration.

The primary functions of the Parent Locator Service are to operate the PLS and to coordinate and enhance state IV-D activities. The primary functions of Policy and Planning Division are to provide policy development and interpretation, to perform planning and evaluation activities, and to assist states in improving IV-D program operations and management practices. The Administration Division is responsible for providing administrative services such as personnel liaison, and for developing and coordinating the annual audit function. In order to assure effective technical assistance to the states, a Program Operations and Monitoring Branch was established in the Policy and Planning Division during the fiscal year 1977-78. A re-structured Division of Audit was also developed. The new re-organization

1. Figure III-b shows the revised organization for cash assistance payments under the Department of Human Services. (This chart appears at the end of this Section.)

became effective during fiscal 1978. A full summary of OCSE functions by division is provided in Appendix B.

In addition to various administrative assistance, OCSE provides state IV-D agencies with technical assistance in their development of local PLS units, and a variety of procedural guidelines including schedules for child support payment based on the father's income level,¹ interpretation of legal items concerning non-cooperation exemption, cooperative agreements, and procedures for attachment of property and garnishment of wages, etc.²

In Massachusetts, the state IV-D plan provides for a highly centralized administrative structure³ in the enforcement of child support. For collection purposes, the state has been divided into seven regions,⁴ each with a regional coordinator administering sub-regional offices of child support enforcement. The local IV-D offices, although not strictly contiguous, conform closely to state welfare office subdivisions.⁵ In most cases, one IV-D office operates out of a regional welfare office, so that

1. Refer to Table III-5.

2. These are contained in various Action Transmittals and Information Memoranda listed in the Annual Reports of the Office of Child Support Enforcement.

3. Refer to Figures III-c, d, and e at the end of this Section.

4. Viz. Boston, Brockton, Springfield, Worcester, Lawrence, Greater Boston, and New Bedford.

5. At present there are 87 IV-D local offices in Massachusetts, located in either a CSA (Community Service Area) office or WSO (Welfare Service) office, of which there are 40 and 61 offices respectively in the Commonwealth. Six regional offices cover CSA and WSO activities and coordinate state welfare service provision.

TABLE III-5. HEW SCHEDULE GUIDELINING SUPPORT PAYMENTS LEVELS OF FATHERS,
BY INCOME LEVEL AND NUMBER OF DEPENDENTS
(Support as a % of income, and support payment range)

INCOME RANGE(\$)	NUMBER OF DEPENDENTS					
	1	2	3	4	5	6+
	(10%)	(11%)	(12%)	(13%)	(14%)	(15%)
\$76 - \$80	\$7.60-\$8.00	8.35-8.80	9.10-9.60	9.90-10.40	10.60-11.20	11.40-12.00
	(13%)	(14%)	(15%)	(16%)	(17%)	(18%)
81 - 85	10.50-11.00	11.30-11.90	12.15-12.75	12.95-13.60	13.80-14.45	14.60-15.30
	(16%)	(17%)	(18%)	(19%)	(20%)	(21%)
86 - 90	13.75-14.40	14.60-15.30	15.50-16.20	16.30-17.10	17.20-18.00	18.05-18.90
	(19%)	(20%)	(21%)	(22%)	(23%)	(24%)
91 - 95	17.30-18.00	18.20-19.00	18.90-19.95	20.00-20.90	20.90-21.85	21.80-22.30
	(22%)	(23%)	(24%)	(25%)	(26%)	(27%)
96 - 100	21.10-22.00	22.10-23.00	23.05-24.00	24.00-25.00	24.95-26.00	25.90-27.00
	(25%)	(26%)	(27%)	(28%)	(29%)	(30%)
101 - 105	25.25-26.25	26.25-27.30	27.30-28.35	28.30-29.40	29.30-30.45	30.30-31.50
	(25%)	(28%)	(29%)	(30%)	(31%)	(32%)
106 - 110	26.50-27.50	29.70-30.80	30.70-31.90	31.80-33.00	32.85-34.10	33.90-35.20
	(26%)	(30%)	(32%)	(33%)	(34%)	(35%)
111 - 115	28.85-29.90	33.30-34.50	35.50-36.80	36.60-37.95	37.75-39.10	38.85-40.25
	(26%)	(30%)	(33%)	(34%)	(35%)	(36%)
116 - 120	30.15-31.20	34.80-36.00	38.30-39.60	39.40-40.80	40.60-42.00	41.75-43.20
	(27%)	(31%)	(35%)	(37%)	(38%)	(39%)
121 - 125	32.70-33.75	37.50-38.75	42.35-43.75	44.80-46.25	46.00-47.50	47.20-48.75
	(27%)	(31%)	(35%)	(38%)	(40%)	(42%)
126 - 130	34.00-35.10	39.05-40.30	44.10-45.50	47.90-49.40	50.40-52.00	52.90-54.60
	(28%)	(32%)	(36%)	(40%)	(42%)	(43%)
131 - 135	36.70-37.80	41.90-43.20	47.16-48.60	52.40-54.00	55.00-56.70	56.30-58.00
	(28%)	(32%)	(36%)	(40%)	(43%)	(45%)
136 - 140	38.10-39.20	43.50-44.80	48.95-50.40	54.40-56.00	58.50-60.20	61.20-63.00
	(29%)	(33%)	(37%)	(41%)	(45%)	(47%)
141 - 145	40.90-42.00	46.50-47.85	52.20-53.65	57.80-59.45	63.45-65.25	66.30-68.15
	(29%)	(33%)	(37%)	(41%)	(45%)	(49%)
146 - 150	42.35-43.50	48.20-49.50	54.00-55.50	59.85-61.50	65.70-67.50	71.55-73.50
	(30%)	(34%)	(38%)	(42%)	(46%)	(50%)
151 - 155	45.30-46.50	51.35-52.70	57.40-58.90	63.40-65.10	69.45-71.30	75.50-77.50
	(30%)	(34%)	(38%)	(42%)	(46%)	(50%)
156 - 160	46.80-48.00	53.00-54.40	59.30-60.80	65.50-67.20	71.75-73.60	78.00-80.00
	(30%)	(35%)	(39%)	(43%)	(47%)	(50%)
161 - 165	48.30-49.50	56.35-57.75	62.80-64.35	69.20-70.95	75.65-77.55	80.50-82.50
	(30%)	(35%)	(39%)	(43%)	(47%)	(50%)
166 - 170	49.80-51.00	58.10-59.50	64.75-66.30	71.40-73.10	78.00-79.90	83.00-85.00
	(30%)	(35%)	(40%)	(44%)	(48%)	(50%)
171 - 175	51.30-52.50	59.85-61.25	68.40-70.00	75.25-77.00	82.10-84.00	85.50-87.50
	(30%)	(35%)	(40%)	(44%)	(48%)	(50%)
176 - 180	52.80-54.00	61.60-63.00	70.40-72.00	77.45-79.20	84.50-86.40	88.00-90.00
	(30%)	(35%)	(40%)	(45%)	(49%)	(50%)
181 - 185	54.30-55.50	63.35-64.75	72.40-74.00	81.45-83.25	88.70-90.65	90.50-92.50
	(30%)	(35%)	(40%)	(45%)	(49%)	(50%)
186 - 190	55.80-57.00	65.10-66.50	74.40-76.00	83.70-85.50	91.15-93.10	93.00-95.00
	(30%)	(35%)	(40%)	(45%)	(50%)	(50%)
191 - 195	57.30-58.50	66.85-68.25	76.40-78.00	85.95-87.75	95.50-97.50	95.50-97.50
	(30%)	(35%)	(40%)	(45%)	(50%)	(50%)
196 - 200	58.80-60.00	68.60-70.00	78.40-80.00	88.20-90.00	98.00-100.00	98.00-100.00

several towns may be within the jurisdiction of one local IV-D office. Enforcement is conducted at the local level through the various district and probate courts¹ of the Commonwealth dealing with criminal and civil nonsupport cases respectively. Local support enforcement workers presently number a hundred, each office having from one to three IV-D case workers, depending on local AFDC caseloads. Clerical and non-court work associated with each IV-D office is handled by a social service administrative technician, a minimum of one per IV-D office. Until recently, several IV-D offices operated without a technician.²

A majority of IV-D case workers in Massachusetts were previously employed as AFDC case workers or social workers for the state Department of Public Welfare (DPW). Choosing IV-D workers from among AFDC case workers was a conscious policy decision. Most workers had an intimate knowledge of the functions, system, and procedures of the state AFDC program at state and local levels, a knowledge considered essential for the smooth transition of IV-D into local welfare offices. More importantly, given the discriminatory application of child support enforcement laws in the Commonwealth against fathers of families on welfare, AFDC workers would also offer to their IV-D jobs first-hand experience with child support delinquency and the problems of support enforcement from their association

1. In Massachusetts, there are 69 district (criminal) and 14 probate (civil and family) courts, the latter corresponding to the 14 counties in the state. Under the 1977 Cox Reforms, return of the courts from county to state control was proposed. The state IV-D agency currently has cooperative agreements with just three of the probate, and one of the district, courts. However, cooperative agreements with 60 district courts and all remaining probate courts are expected to be operative by early 1979.

2. There are currently in Massachusetts 55 social service administrative technicians for the 87 local IV-D offices. In the past year, 30 clerks were also employed by IV-D to assist in local offices with largest AFDC caseloads. For example, two clerks provide assistance in the New Bedford IV-D office.

with the families on AFDC. The various functions and activities of local support enforcement workers are discussed in the following Section of this Chapter dealing with local enforcement procedures in New Bedford.

FIGURE III-6

REVISED ORGANIZATION FOR CASH ASSISTANCE PAYMENTS

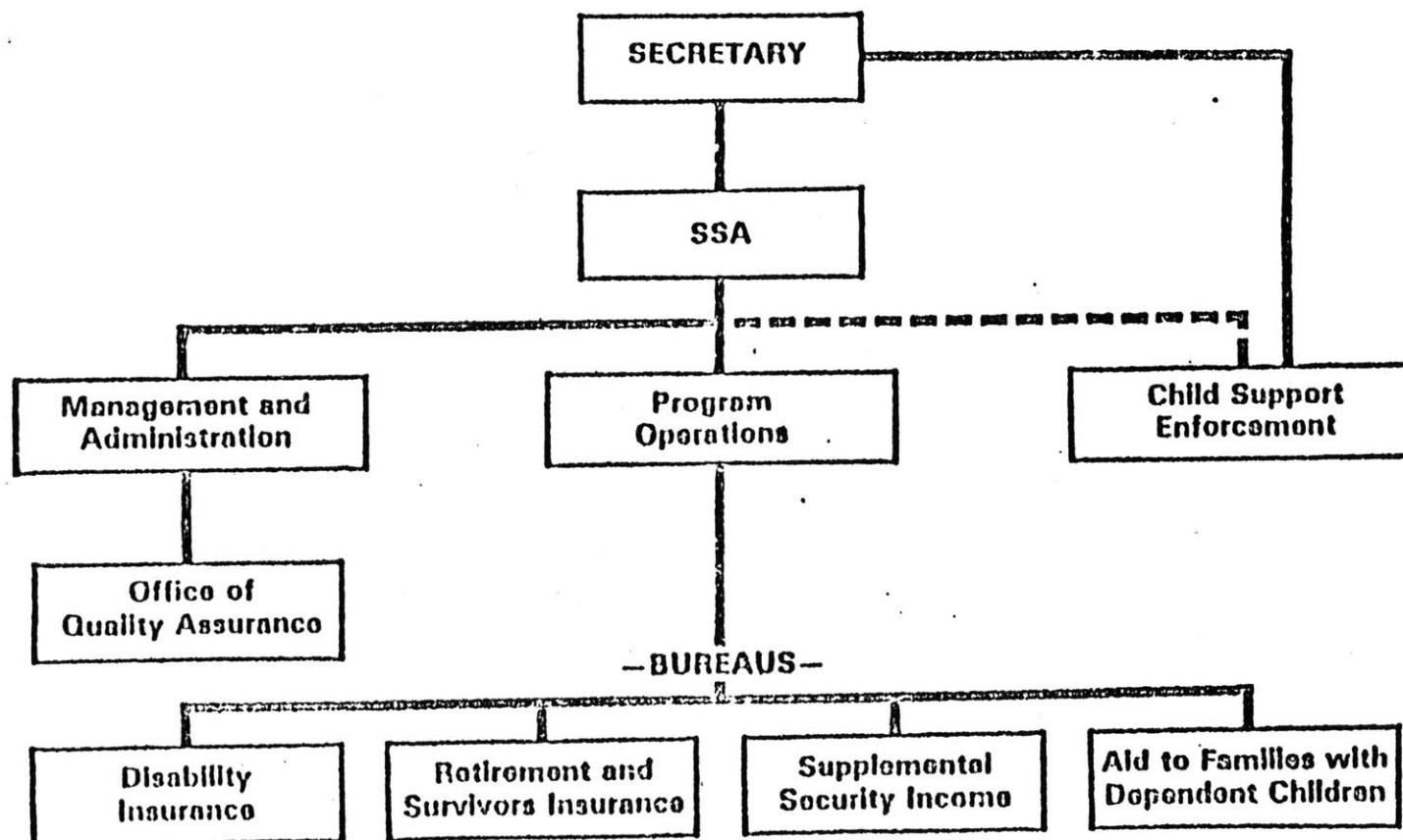


FIGURE III-c. MASSACHUSETTS DEPARTMENT OF PUBLIC WELFARE ADMINISTRATION

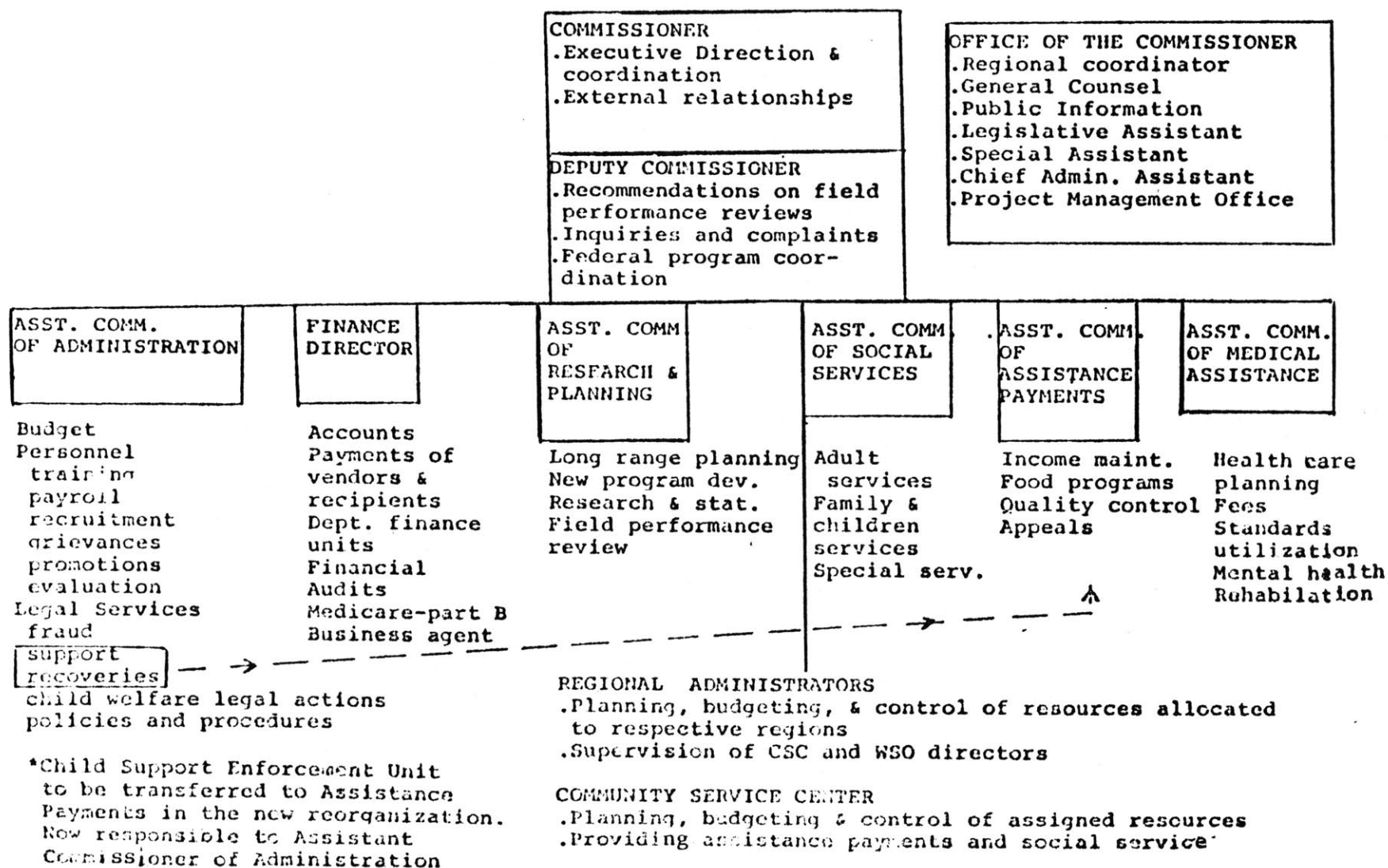


FIGURE III-d

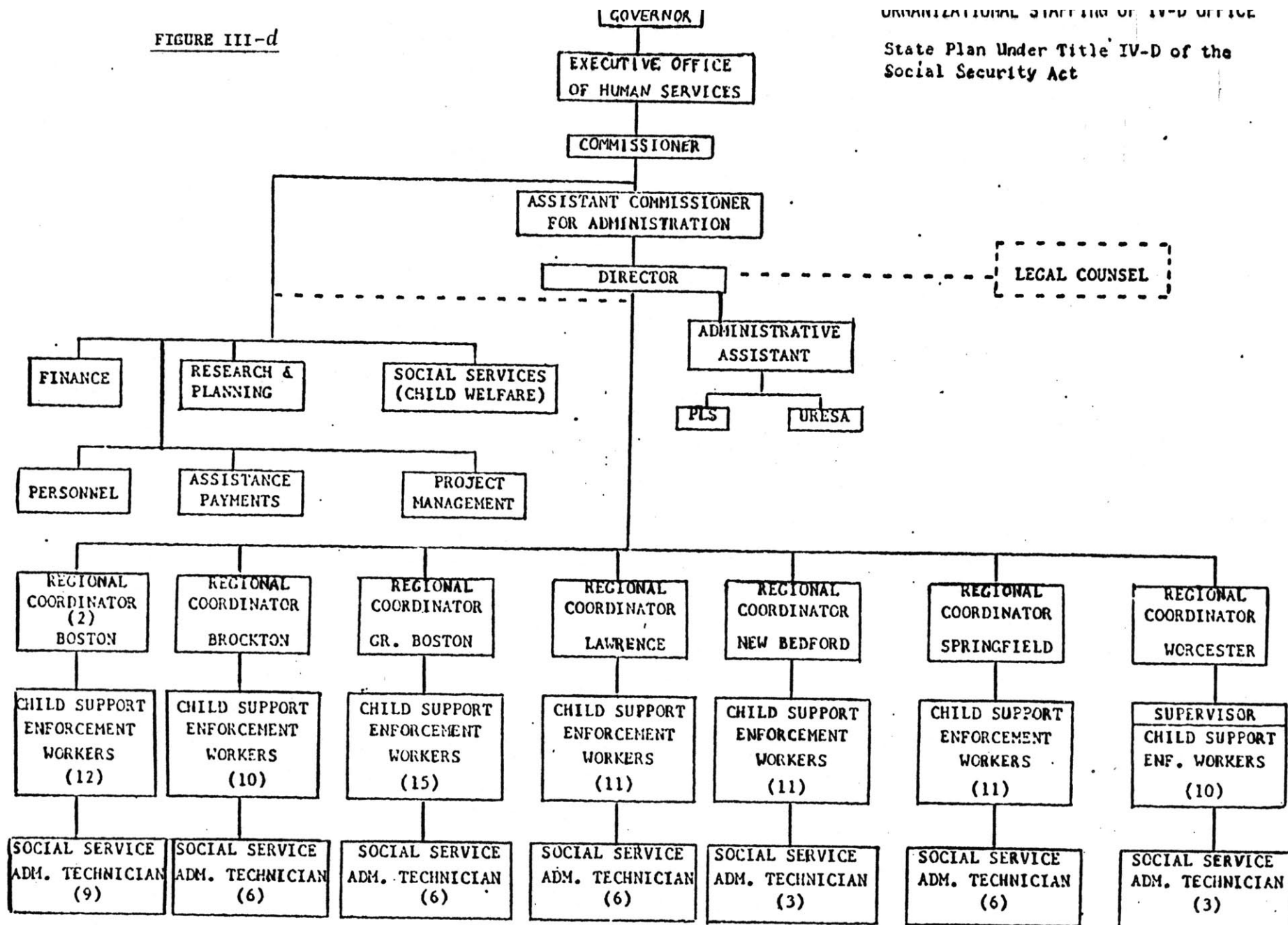
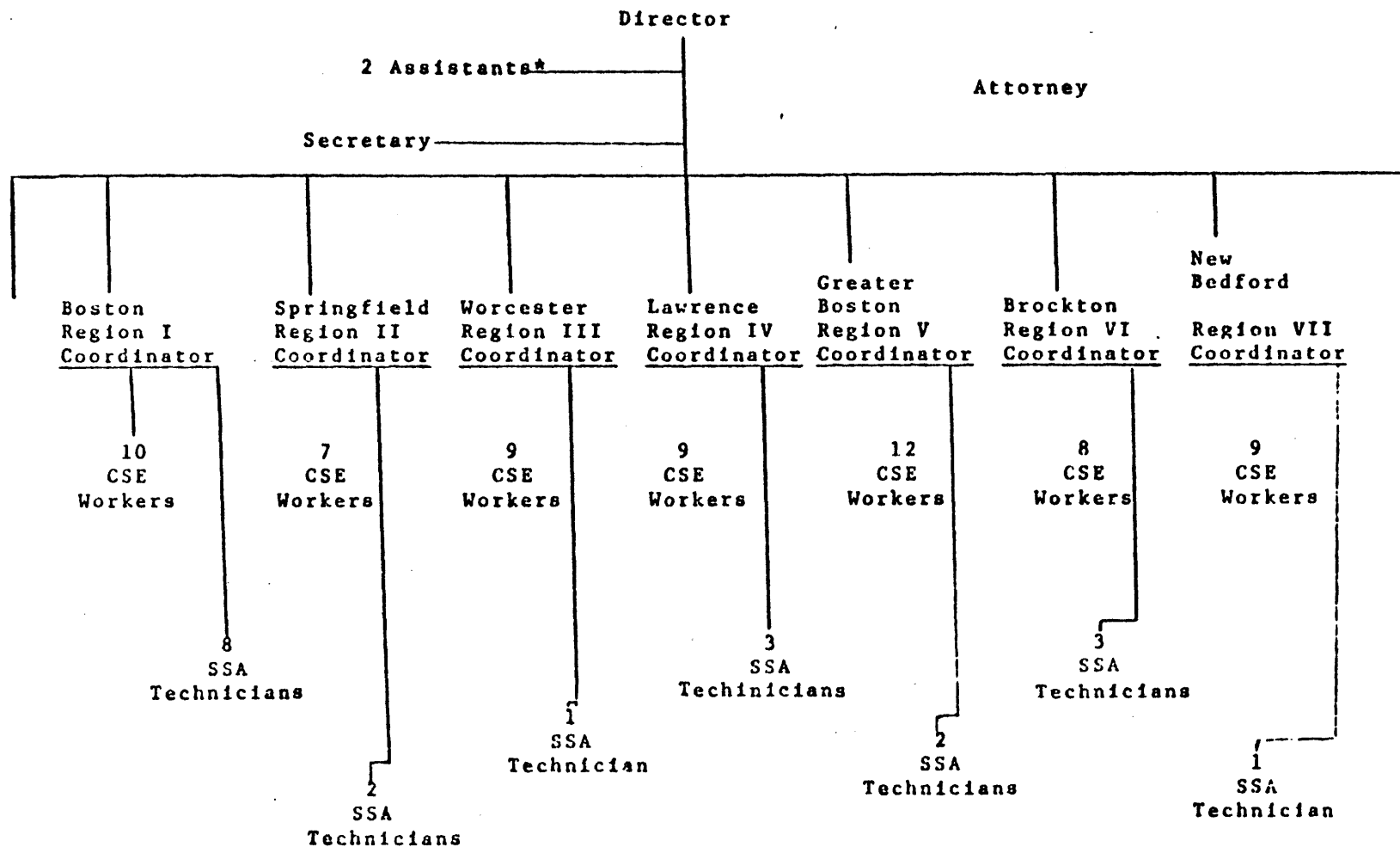


FIGURE III-e

CHILD SUPPORT ENFORCEMENT UNIT. STAFFING



CSE-Child Support Enforcement
SSA-Social Service Administration

Clerical staff is available in Welfare Service Offices
*Coordinators for Boston and Greater Boston Regions

Enforcement and Non-Welfare Families

The major objective of the child support enforcement provisions of P.L.93-647 was to reduce expenditures under the AFDC program by maximizing the recovery of support payments.¹ Support payments recovered pursuant to these provisions were to be used either to reimburse the states for assistance payments to eligible families where the sum recovered was less than the amount of their welfare grants, or to enable the state to terminate assistance to families for whom support payments exceed their welfare grants.² As we showed in the previous Section of this Chapter, various provisions in the law (P.L.93-647) serve to encourage discriminatory, or at least, concentrated enforcement of support obligations in cases involving AFDC families. Although non-welfare applicants are also entitled to enforcement services under the law,³ the financial incentives for state and local pursuit of fathers associated with non-welfare families are considerably lower than for AFDC cases.⁴ Several states, including Massachusetts,⁵ have provided support enforcement exclusively against fathers associated with families on AFDC.

1. 42 U.S.C. §§651, 657(a)(2)-(4), (b)(1)-(3), Supp. V, 1975. This theme was introduced in Chapter II where we showed how enforcement of support developed as a law governing poor families only due to the state interest in recovery.

2. Id. #657(a)(2)-(4), (b)(1)-(3). To date, 19,000 AFDC families from 29 states have had their public assistance payments terminated as a direct result of child support enforcement (The Washington Post 2/12/79).

3. Id. #654.

4. As shown in Section D of this Chapter, provisions relating to incentive payments for states, localities, and other enforcement officials in AFDC cases, as well as the provision allowing states to retain substantial amounts of collections made for AFDC families, has created a bias in the enforcement process.

5. Other states include Virginia, West Virginia, Rhode Island, New Hampshire, Missouri, and Arizona.

Consistent with this enforcement policy, child support workers in the Commonwealth have generally assumed that although PLS services would be made available to non-welfare applicants, requests from non-welfare applicants for full enforcement services would be denied. In some cases, these applicants have been referred by support unit workers to enforcement assistance outside the IV-D program. For the most part, though, non-welfare applicants must themselves approach their local police prosecutor, court probation officer, or hire an attorney, services which are available to the public but which are most often cost prohibitive.¹ The chances of successful collection of child support are very low, particularly on a regular and adequate basis.² Delays caused by inefficiencies in the marital courts, and by low priority assigned to support enforcement cases in the district (criminal) courts, favor the nonsupporting parent.³

1. In 1973, the average costs of hiring an attorney for support enforcement services in Connecticut was \$750. In-state collection chances were only about 60% for obtaining even one payment from the delinquent parent, while out-of-state collection chances were only 30% for obtaining one payment and took on average two and a half years to process. The Massachusetts Advisory Council on Home and Family (op.cit., pp. 15-19) noted in their 1972 study of child support enforcement that cases seldom come to criminal court when the family income is substantial. There are several reasons for this. First, even prior to 1967, AFDC applicants in the Commonwealth were required, as a condition for eligibility, to file nonsupport complaints in the criminal courts. At the same time, many courts in high-income neighborhoods either flatly refused to entertain criminal nonsupport complaints, particularly where a probate court order was already in effect, or encouraged the wife to come to some out-of-court agreement with the delinquent father. Where a family was not on welfare, but did not have substantial resources for private court action, the support problem often "filtered into the criminal court because of the cost of filing contempt petitions in the probate court" (p. 19).

2. In the same study of Connecticut court workloads, it was found that the attitude of judges establishing orders for support was important in determining order amounts. In Section B of Chapter V, we show how judges in New Bedford have displayed a regressive application of HEW support guidelines, requiring far less than recommended support levels from higher earning fathers.

3. Betty Cox Spaulding, (Unpublished address to National District Attorneys Association, Connecticut, 1975), p. 5.

Enforcement and The Family on Welfare

On the other hand, full state interest and control over the enforcement process in the case of AFDC families has been assured by requiring that: (a) the mother assigns all rights to support to the IV-D agency of the state, relinquishing all claims to support payments as long as the family is on AFDC; (b) the IV-D support worker in charge of the case undertakes all enforcement measures from that time (locating the father, establishing paternity, collecting payments, and pursuing the father in court); (c) the action at court no longer involves the family¹ but is between the IV-D worker acting on behalf of the Welfare Department and the father.²

Given the fact that the Massachusetts IV-D agency has applied enforcement laws exclusively against fathers associated with AFDC families, the procedures for enforcement described below pertain only to AFDC cases. The 87 child support enforcement offices in Massachusetts differ somewhat in their application of enforcement procedures according to variations in local welfare office filing systems, payments and collections methods, and local court participation in enforcement. Nevertheless, the basic functions of all child support enforcement offices are the same:³ (i) to determine paternity and establish support agreements or orders for all existing AFDC cases in which there is an absent parent; (ii) to ensure that all new

1. Although the father has the right to cross-examine in a criminal defense, so that the mother's presence may be required.

2. Judges have occasionally shown reluctance to enforce support against fathers whose families are on AFDC, because they rightly perceive that all payments go to the state, not to the family, so that refusal to enforce does not jeopardize the family's AFDC grant nor does strict enforcement result in financial gains for the family.

3. For a complete description of the administration of child support enforcement in Massachusetts, see How They Do It. Child Support Payments Control in Massachusetts and Washington, Social and Rehabilitation Service, U. S. Department of Health, Education, and Welfare (1976) pp. 9-48.

AFDC cases in which there is an absent parent are immediately brought into the IV-D program; (iii) to monitor all cases on IV-D in order to ensure regular support payments to the Department of Welfare; and (iv) to use criminal court procedures against delinquent fathers in order to guarantee continued support and to maximize support payments made to the Department.¹

Local offices are required to accept referrals of AFDC cases involving IV-D action against the father from other IV-D offices in the state, and conversely, to refer support files for outgoing cases to destination IV-D offices. This transfer of files involves all materials relating to the family's AFDC history in addition to all child support records available on the father. A majority of all such moves made by families in New Bedford are to intrastate destinations. The inter-office system of transferring case records within Massachusetts allows uninterrupted monitoring of all child support enforcement cases within the state.

Given the substantial numbers of AFDC cases in Massachusetts which are eligible for enforcement action,² and the limited budget of the IV-D program, a major problem has been understaffing in the state. Consequently, local workers need to devise some system for prioritizing IV-D caseloads.³ The priorities of the IV-D program are clear enough: to maximize IV-D revenues from child support payments of absent fathers.

1. The overwhelming philosophy in most states is to recover support funds on behalf of taxpayers. The primary concern of IV-D program management is therefore "good business" using the criterion of cost-effectiveness. (See "Absent Parent Child Support Cost-Benefit Analysis", Report prepared by Arthur Young & Co., SRS-74-56, December 1975.)

2. Of a total 101,000 cases involving an absent parent on the Massachusetts AFDC rolls, approximately 48,000 had had some IV-D action initiated by 1978.

3. Alternative schemes for case prioritizing are suggested in Chapter VI.

Most support workers elect to ignore those cases in which the father is in jail, is alcoholic, has continually defaulted on payments in spite of court action or threat of jail sentence, or who cannot be located through the PLS. Cases involving interstate enforcement under URESA may also be discontinued where the out-of-state courts have shown reluctance to assist in the enforcement process.¹

Interestingly enough, there is no reluctance to pursue cases involving fathers who are unable to provide adequate or even low support. More than 30% of fathers participating in the New Bedford IV-D program have been marginally employed² or had unemployment experience. Support orders established for these fathers reflect their relatively low ability-to-pay.³ For example, orders of \$10 per week or less are fairly common in New Bedford, comprising 14% of all initial orders established. 45% of all initial support orders established in New Bedford are \$20 per week or less. The average support order level for New Bedford fathers is approximately \$28 per week. As shown in Section D of Chapter V, very few fathers are able to pay support amounts which exceed the welfare grant of their families, thereby making them ineligible for further assistance. In spite of this fact, however, even smallest dollar amounts are strictly enforced in the New Bedford IV-D office.

1. One reason for the discontinuation of URESA cases has been the inability of local courts to realize the financial incentives contained in the legislation (P.L.93-647) due to an absence of statutory authority within the state or actual statutory barriers to interstate enforcement. Incentive payments may also be denied to any locality not under cooperative agreement with their state IV-D agency.

2. The marginal employed include those who undertake part-time or seasonal employment (such as fishing or home construction and repairs), or who depend in part or in total on public assistance for their income (for example, unemployment compensation, disability pension, old age pension, etc.)

3. The median range of earnings for employed fathers was \$126-150, while marginally employed fathers earned between \$101 and \$125 net per week.

In New Bedford, the Child Support Enforcement Unit is maintained by three court workers, one social service administrative technician, and two senior clerks who manage collections and maintain all IV-D file records.¹ The three support workers in New Bedford each have exclusive responsibility for one of three types of court enforcement: those involving probate court orders for support (legal separations and divorces), those involving district court actions (criminal nonsupport), and those involving out-of-state (URESAs) court orders. URESA orders may involve either (or both) criminal and civil actions for support.

The general procedure by which fathers are drawn into the Massachusetts IV-D program is outlined in Figure III-6. The IV-D unit relies on the referral of any potential child support enforcement case from AFDC intake workers, who assess the eligibility of each applicant for an AFDC grant as well as for IV-D eligibility. The AFDC intake worker considers an AFDC case eligible for IV-D action if: (a) the father is not in the home; (b) the father is not dead or incapacitated; and (c) the mother has assigned all rights to child support to the state (i.e. has signed an affidavit and intends to cooperate fully with all enforcement efforts).² The assumption in most cases of maternal non-cooperation

1. In Section B of Chapter IV we provide a complete listing of all file systems and information contained therein.

2. If a mother does not cooperate in assigning support rights to the state, and if she cannot establish "just cause" for her refusal (grounds for non-cooperation are listed in Section C above), the state may withdraw her AFDC grant. This penalty specifically applies to AFDC mothers only, and not to their children. IV-D workers generally assume that a mother who will cooperate if she is destitute and has no other choice. Given that her AFDC eligibility has already been determined, withdrawal of her grant in the event of non-cooperation suggests unnecessary coercion. Moreover, the mother's grant constitutes a sizeable proportion of the overall family's grant, so that although her children's individual grants are not affected by her refusal to cooperate, we cannot assume the family's economic welfare is unaffected by withdrawal of her grant.

is that the mother is choosing in some way to protect the father from IV-D enforcement. Consequently, the IV-D agency adopts the position that it represents the interests of the child, often against both father and mother, in nonsupport cases.¹ Such an assumption, however, is not necessarily justified.²

Following a mother's successful application for AFDC, and assignment of her support rights to the state, the AFDC intake worker notifies the local IV-D technician of the case, transmitting two forms (A-30 and A-32)³ to the IV-D office located in the same building. The technician then proceeds to open a file on the case. If the mother has been unable to assist the intake worker in providing information on the father's residence and place of employment, social security number, and other information,⁴ the administrative technician applies to the state IV-D office in Boston for PLS (Parent Locator Service) assistance. The IRS, SSA, or other agency of the government may be employed in these efforts to locate the father and determine his income level.

1. Although the child, in fact, never receives payments obtained on its behalf by the state.

2. If we assume the mother and her family is destitute, then we must also assume that this provision requiring her cooperation with IV-D efforts effectively removes all choice from her. There may be several reasons for her refusal: she may be threatened with physical harm by the father of her children, or he may threaten to stop visiting the child if she cooperates. Since the burden of proof is on the mother to justify her non-cooperation, the law seems to require that such threats alone would not be sufficient cause, implying that only real evidence of assault or actual psychological harm to the child constitutes "just cause" not merely the threat of same.

3. See Figures III-g and h. If the mother is uncooperative, Form A-33 is sent to the IV-D office by the AFDC intake worker (see Figure III-i.)

4. Figure III-j showing the A-23 Form lists the information required on both parents.

When the father has been located, he is sent a form letter from the Massachusetts Department of Public Welfare,¹ requesting child support payments from the father in accordance with any established probate or district court order.² If no order has been established, the father is requested to make arrangements with the Department for a voluntary agreement to support. If the case is new (i.e. not a re-application for AFDC), and the father has been located, the administrative technician cross-checks welfare files to determine whether the father is currently the recipient of public assistance himself, under old age, disability, unemployment compensation, etc., in which case support enforcement action is discontinued.³

The "voluntary" agreement is a signed affidavit of paternity containing the support amount agreed upon with the father.⁴ If the father is unwilling to sign an affidavit of support, the technician may try instead to obtain a "verbal" (unsigned) agreement to support from the father. The technician then files all pertinent information in a IV-D file used specifically for new cases, containing all cases which were established over the past three months. After three months of non-delinquent payments, a case is transferred into active files by type of agreement or court order, and is no longer monitored by the technician.

1. Figure III-k shows the Form A-29 letter to the father from the Department, which may also be sent if he has become delinquent in support.

2. Re-applications for AFDC often already have an A-24 Form on the father for support (see Figure III-l).

3. In approximately 5,000 AFDC cases in Massachusetts (out of 101,000), the father himself is eligible for inclusion in the family's AFDC budget under the AFDC-UP program for unemployed parents.

4. This Form A-25 is presented in Figure III-m.

If non-judicial procedures for enforcement prove unsuccessful, the case will be passed on by the technician to the appropriate court worker for civil (probate) or criminal (district) nonsupport action. The IV-D court worker sends a wage report to the father's primary employer in order to estimate the father's net weekly earnings.¹ Insurance, medical, and most credit union deductions from the father's pay are allowed in the computing of net weekly earnings, although payments made for a car, mortgage payments, or support for a second family of the father are usually disallowed as unnecessary for the father's maintenance. The level of support is then estimated as a proportion of the father's net weekly earnings, given the total number of his dependents.² The court worker may also, with the mother's assistance, document the father's past nonsupport in order to provide the court with evidence of wilful neglect.

Civil and Criminal Contempt

In cases of civil contempt, the court worker first locates records of hearings. In many cases, no support order was established by the court.³

1. Figure III-n contains the wage report form on which is detailed the weekly wage earnings (usually from W-2 tax forms) of the father.

2. Refer to Table III-5.

3. Such cases are termed "Care and Custody Only", referring to the fact that the mother was granted custody of the children by the court, but was not provided with any order for paternal support of herself and her children. A judgement of divorce which includes a support order often represents the culmination of only the first phase of litigation, however, and frequently is followed by further litigation regarding enforcement of the order. D. S. Blank and J. Rone, "Enforcement of Interspousal Support Obligations: A Proposal", 2 Women's Rights Law Reporter 13 (June 1975) p. 13, suggest that the assumption of payment by the obligor should be replaced by presumption of nonpayment.

Where a probate court order has been established, non-payment by the father may account for the family's application for AFDC.¹ Similarly, where a father's ability-to-pay support has changed, the family may no longer be able to maintain their welfare independence. In both cases, the court worker will return the case to the probate court of the original action for contempt² or modification of the original order.³ If a probate action had not been completed (i.e. divorce or legal separation finalized), the court worker may attempt to obtain a temporary, or separate, support order for the family pendente lite (pending litigation). Once an order has been established, the father begins making support payments directly to the IV-D office or, more usually, to the probate court which then forwards payments to the IV-D office. As long as the family remains on AFDC, no payments may be made directly to the family. In probate cases, the mother's presence in court is not required, since the father has no rights to cross-examine. However, he does have the right to appeal the court's decision to the state Superior Court, which generally rules on matters of

1. In Section C of Chapter V, we examine the payment responses of fathers to different types of support orders and agreements.

2. Contempts may be civil or criminal, direct or indirect. Probation officers may initiate civil contempt proceedings against fathers if they determine that court-ordered support payments are not being made (General Laws of Massachusetts Annotated, Ch. 276, §§83, 85A, 85B, 1972). In Salveson v. Salveson, 351 N.E.2d 499, 501 (1976) in Massachusetts, inability to pay \$13,854.64 in support arrears at the time of the hearing precluded sentencing for civil contempt. In another Massachusetts case, Sodones v. Sodones, 314 N.E.2d 906, 913 (1974), it was ruled that a two-year interval between the hearing and appellate decision required re-evaluation of the defendant's ability-to-pay.

3. Although the original controversy cannot be relitigated in a contempt proceeding, nevertheless the original order may be modified upon a showing of substantial change in the father's circumstances and ability-to-pay support. See Buchanan v. Buchanan, 353 Mass. 351, 352/231 N.E.2d 570, 571 (1967). For a complete discussion of contempt in civil nonsupport cases, see Philip P. Houle and Eugene Z. Dubose, "The Nonsupport Contempt Hearing: Constitutional and Statutory Requirements", 14 New Hampshire Bar Journal (1973) p. 165.

due process.¹

Similar procedures are used in criminal nonsupport cases.² However, the father is also generally placed on probation by the court for a period not exceeding six months, although probation extensions covering several years are not unusual. If a father defaults on payments, or does not appear before the probation officer, within the prescribed period, he may be cited for contempt and ordered to appear before the judge or magistrate for sentencing. A finding of guilty often results in the establishment of an order for arrears to be paid in bulk or in addition to weekly support sums.³

Where arrearages have been reduced to a money judgement, parties seeking to recover support may employ remedies typically available to creditors, such as post-judgement executions, liens, wage garnishments,⁴ and attachment of the debtor's property.⁵ Until recently, when the IRS •

1. D.B. Dobbs, "Contempt of Court: A Survey", 56 Cornell Law Review (1971) pp. 241-245, contrasts standards and procedures operative in civil and criminal contempt cases. The line between civil and criminal contempt is not always clear. For example, the objective of contempt proceedings to coerce contemnors to testify may compel the classification of contempt as civil despite a district court finding of criminal contempt, as in *Shillitani v. United States*, 384 U.S. 364, 368-70 (1966).

2. R. Goldfarb, The Contempt Power (Anchor Ed. 1971), contrasts safeguards available to civil and criminal contemnors. See also Comment, "Contempt of Court: Some Considerations For Reform", Wisconsin Law Review (1975) pp. 1117, 1120-21.

3. Arrearage sums can be considerable and may be paid beyond the termination of the family's AFDC grant. They may accrue from the time of the court order and continue through the entire period the family is on AFDC.

4. Wage garnishment has been relatively impotent as an enforcement tool in Massachusetts due to lack of statutory authority in the state. See Roger A. Olson, "Involuntary Wage Assignments: A New Approach For Effective Enforcement of Support Obligations", 11 Buffalo U. Law Review (1961) p. 396. Through garnishment, an employer may be required to deduct support from the father's paycheck and send support payments direct to the IV-D agency.

5. For a complete discussion of alternate measures used in the enforcement of support, see Blank and Rone, *op.cit.* pp. 15-25. Only recently, the IRS became active in enforcing support in behalf of the IV-D agency by attaching property in arrears cases.

became involved in the process of collection for IV-D agencies, these procedures were seldom used. One reason is that judges tend to rely on enforcement measures which have proved effective in the past or are in common use.¹

Judges occasionally decide to incarcerate a father who has shown persistent delinquency in support of his family.² However, before a court can impose coercive imprisonment for violation of a court order, it must find not only that the defendant had the ability to comply when the payment was due, but also that he is able to pay the accrued arrearage at the time of the contempt hearing.³ The sentencing is generally carried out on weekends⁴ so that the earnings capacity of the father will not be impaired.⁵ This procedure has been challenged on various grounds, but

1. The absence of a comprehensive system of enforcement, such as that provided for arrearage collection by the IRS, has served to discourage judgements which the court may be unable to execute successfully.

2. It has been argued that coercive imprisonment of civil contemnors should be limited because such contemnors are afforded only basic due process rights (see Comment, "The Coercive Function of Civil Contempt", 33 U. Chicago Law Review (1965) pp. 120, 121-122 .

3. The U. S. Supreme Court ruled in *Maggio v. Zeitz*, 333 U.S. 56, 64 (1948) that the court may not impose a condition for release from imprisonment with which a defendant is unable at the time to comply. The potential ability to comply was ruled insufficient cause for imprisonment. Some courts, however, have ruled that a father's labor is sufficient evidence of ability to comply, upholding jail sentences in these cases, although the use of jail sentencing as an inducement to friends to pay for a debt has been criticized (see Houle and Dubose, *op.cit.*, pp. 165, 178-179). Just as a father may not declare bankruptcy in order to avoid child support obligations (see *Commonwealth v. Burlington*, 136 Mass. 435, where father threatened to close business and leave the country rather than provide support), a defendant may not render himself unable to comply with a support order by deliberately terminating his employment just prior to a contempt hearing. In *Bennett v. Bennett*, 21 N.C.App. 390, 392-393/204 S.E.2d, 554, 555-556 (1974), it was ruled that a court may impose a definite prison term as punishment for past misconduct in such cases.

4. General Laws of Massachusetts Annotated, Ch. 215, #34 (Supp. 1976).

5. Incarceration of a family provider defeats the state interest in enforcing the support obligation (see *Yoder v. County*, 278 A.2d, 379, 387-388, Me. 1971).

primarily as an abridgement of the father's constitutional rights.¹ It is also argued that jail sentencing, as either a punishment or inducement to comply, rarely effects any change in the support behavior of the persistent delinquent, nor acts as a deterrent to hard-core contemnors.²

In some cases, although a probate court order has been established, a criminal complaint will also be sought against the father for persistent nonsupport.³ In this event, the support orders operate simultaneously, not consecutively. When either terminates, the other (generally the probate order) remains in effect. Thus, arrears do not accrue on the order which is temporarily superseded. For the most part, criminal actions result in support orders for arrears, upon payment of which a father may no longer be on probation or may be required to pay directly to the IV-D agency, unless probation extensions are effected. In the case of a probate court order, the order remains in effect until such time as the child reaches majority, the father dies, or the mother's husband formally adopts the child.

1. Constitutional rights of support contemnors are discussed by F. Dibble, Jr., "Contempt of Court: Go Directly To Jail. Do Not Pass Go. Do Not Collect Your Constitutional Rights", 7 Suffolk U. Law Review (1973) p. 517; H. B. Palmer, "The Rising Divorce Rate: Familiarity Breeds Contempt", 11 Suffolk U. Law Review (Spring 1977) pp. 1073-4; T. Willging and J. Ellsmore, "The 'Dual System' in Action: Jail For Nonsupport", U. Toledo Law Review (Spring 1969) p. 348.

2. See in general, David L. Chambers, "Men Who Know They are Watched: Some Benefits and Costs of Jailing For Nonpayment of Support", OCSE-IM-78-3 (1/31/78), Office of Child Support Enforcement, Department of Human Services (Washington D.C.); and Pamela Burgy, "Enforcement of Support: Unequal and Ineffective", (Unpublished Dissertation, 3rd Year Requirement, Harvard Law School, 1968). Although we did not analyze the impact of jail sentencing, in Chapter V we examine the impact of court action on support behavior.

3. A defendant may be found guilty of either or both civil and criminal contempt, these two actions not being mutually exclusive. Initiative by the state in nonsupport cases generally involves criminal action, while action initiated by the mother is civil, depending on whether the action is designed to address a public or private wrong.

Case Closure

Of the approximately 4,000 AFDC cases in New Bedford with IV-D potential, about 2,800 have had some form of enforcement action initiated. Significant numbers of these have had multiple case openings and closures.¹ The pattern of high turnover in AFDC cases has been well documented,² and since IV-D case closure (or re-opening) occurs simultaneously with AFDC case closure (or re-opening),³ we would expect high turnover among IV-D cases. When an AFDC case is closed, the case worker generally notifies the IV-D office, and the appropriate court worker notifies the father that he will be making payments directly to the family (or court) in the future. The father's support enforcement files are then placed in a "limbo" file for cases which have closed within the past three months. Fathers often become delinquent in support payments following their family's exit from AFDC when they find they are not being actively pursued for support by the Welfare Department. This, and the fact that AFDC cases may re-open because the mother financial circumstances have changed (e.g. she has subsequently lost her job), means that there is a high probability that a "limbo" case will re-open. Maintaining the separate file facilitates later case re-opening. If no change occurs in the family's AFDC status during the three months, the case is then transferred to a file for IV-D case closures.

1. 35.6% of all New Bedford IV-D cases showed multiple entries and exits from AFDC (and IV-D).

2. M. J. Boskin and F. C. Nold, "A Markov Model of Turnover in AFDC", J. Human Resources, vol. X, no. 4 (1975) pp. 467-481.

3. Except in cases where court orders establishing arrearages have been obtained. In these cases, although the AFDC case on the family is closed, the IV-D file on the father remains open and is marked for easy identification and monitoring of payments.

Child Support Collections

After the IV-D unit has established an agreement or court order for support with the father, he is required to make payments, usually on a weekly or monthly basis,¹ by mail or in person to the IV-D office in New Bedford or to the appropriate court. Fathers who are required to appear before the probation officer of the court at regular intervals generally pay the court at that time. Court payments are then forwarded to the IV-D office in New Bedford or to the office from which the court action was initiated. Checks or cash received in the local office are first recorded in the support payments file of the father by date and amount received. Support payments are then forwarded, usually on a daily basis, to a firm in Boston² which computerizes all payments made by case number, location of payments, amount, date, etc. All IV-D revenues are then deposited by the firm in a receipt account for the state IV-D agency. Moneys received do not in any way offset either the grants received by the family on AFDC, or expenses incurred in the support of AFDC families by the Department of Public Welfare in Massachusetts. The only adjustment made is to the AFDC budget, adjusted each year by the amount calculated as the Federal share of IV-D support collections for that fiscal year.³ Moneys received under the IV-D child support enforcement program are sent to the State Treasury where they are re-appropriated by the State Legislature each fiscal year.

-
1. Although fathers may elect to pay child support in lump sums.
 2. In Massachusetts, this is handled by Bradford Services, Inc.
 3. viz. a Line 9 Adjustment, based on the Federal:State cost-sharing formula for most welfare services..

Not all collections received by the state under the IV-D program are retained by the state: the Federal government receives approximately 51% of all collections, equivalent to the Federal share of expenses in the support of AFDC families in Massachusetts.¹ Local law enforcement agencies and officials under cooperative agreement with the state IV-D agency receive 15% of collections, which is taken out of the Federal share. It is generally agreed that the incentives for participation in the IV-D program are substantial at the local level, although only 15% of collections is retained in AFDC case enforcement.² States have also received substantial net benefits from the IV-D program, though generally less than local agencies except in states which have restricted enforcement to welfare cases only.³ The Federal government, last in line to receive a share of the child support program proceeds, has consistently shown net losses in all program years.

In fiscal 1976, figures supplied by OCSE for the first year of the program showed actual reported collections of about \$230 million.⁴ Of the \$230 million collected, the recipients received \$40 million,⁵ local

1. Federal and state shares are calculated using the FMAP (Federal Medicaid Assistance Plan) formula for cost-sharing in each state. This is based on the per capita industrial wage index in each state. In Massachusetts, the ratio of Federal to state cost-sharing for most human service programs is approximately 51:49. The 51.62% which is the Federal share is not taken from collections, but is used in a Line 9 Adjustment of the Federal share of costs for welfare programs.

2. In their benefit-cost analysis, Arthur Young & Co., op.cit., concluded that enforcement in non-AFDC cases was more cost-effective than AFDC case enforcement. Non-AFDC case enforcement occurs primarily at the local level.

3. As, for example, in Massachusetts.

4. This figure does not represent a net increase in collections over previous years, since several states had child support enforcement programs prior to the 1975 legislation (viz. Massachusetts, Michigan, California, and Washington),

5. Some states deducted father's payments from the family's AFDC grant.

enforcement agencies received \$30 million,¹ the states received about \$90 million, and the Federal government about \$70 million. Total state administrative costs came to \$32 million and Federal costs were about \$96 million, based on a 75:25 cost-sharing ratio between Federal and state governments for the Child Support Enforcement Program. Net savings to the states in fiscal 1976 thus came to about \$60 million, while the IV-D program actually cost the Federal government about \$26 million.²

Although a large increase in the nation's IV-D caseload, and therefore in IV-D revenues, was expected during fiscal 1977, nevertheless it did not seem likely that total IV-D revenues would produce substantial reductions in the overall Federal costs of supporting families on AFDC.³

1. Originally, the incentive payment to localities was 25% of the first year's obligation in any case, to be reduced to 10% in subsequent years. However, this produced a bias in enforcement toward new cases only, so that a flat 15% incentive payment level was adopted.

2. Observed by Abe Lavine, op.cit., p. 49.

3. In fiscal 1976, the AFDC program cost the Federal government in excess of \$5.5 billion. If local agencies currently not under cooperative agreements with their state IV-D agency were to become eligible for reimbursement, total revenues to the Federal government from the IV-D program would decrease further. (75% of their administrative costs would be incurred by the Federal government, while 15% of collections made by localities would be taken from the Federal share of collections.) On the other hand, the existing loss to local taxpayers in the absence of cooperative agreements is considerable. County courts in Massachusetts, for example, are funded solely by local property taxpayers. While cooperative agreements are not in effect, localities lose all reimbursements (75% of costs) and revenues (15% of collections in AFDC cases and fees for servicing non-AFDC cases) they would otherwise be entitled to. The loss is even greater in counties which have substantial child support enforcement caseloads already being processed in their courts. Data on revenue and reimbursement loss in Massachusetts courts is provided by P. Berkowitz and A. Greenstein, "Child Support Enforcement: The Need For Cooperative Agreements in Massachusetts", (Unpublished Paper prepared at the Graduate School of Design, Harvard University, June 1977).

Indeed, during fiscal 1977, the Federal government incurred a net loss of approximately \$50 million, almost double that of fiscal 1976. At the same time, states and localities received net revenues for the program of about \$215 million. For the Federal government, at least, we cannot assume that the major intent of P.L.93-647 was to recover costs incurred in the support of poor families, specifically AFDC. Instead, we have suggested that the Child Support Enforcement Program was part of a larger "welfare reform" package following the welfare expansion years of the late 60s and early 70s. We would therefore argue that the primary intent of the program was to effect a welfare rollback. In Chapter V, we will examine the impact of child support enforcement on the welfare dependency of female-headed families in New Bedford, Massachusetts.

FIGURE III-gForm A-30
(Rev. 5/76)MASSACHUSETTS DEPARTMENT OF PUBLIC WELFARE
CHILD SUPPORT ENFORCEMENT UNITINTAKE SUPPLEMENT ON CHILD SUPPORT - AFDC
(Use a Separate Form for Each Father)

In accordance with Public Law 93-647, effective August 1, 1975, a recipient of AFDC, as a condition of initial and ongoing eligibility, must cooperate with the Child Support Enforcement Unit in locating and obtaining support from the absent parent of a child(ren) who is/are receiving assistance, by providing information or attesting to lack of information, under penalty of perjury.

CLIENT'S FULL NAME _____ MAIDEN NAME _____
 ADDRESS _____ TELEPHONE NO. _____
 DATE & PLACE OF BIRTH _____ SOC. SEC. NO. _____
 DATE & PLACE OF MARRIAGE _____ APPLIC. DATE _____
 MARITAL STATUS: DIVORCED _____ LEGALLY SEP. _____ MUTUALLY SEP. _____ SINGLE _____
 DATE _____ COURT _____ AMOUNT \$ _____ WK. () MO. ()
 HAS PATERNITY BEEN LEGALLY ADJUDICATED? YES ☐ NO ☐ IN PROCESS ☐
 DATE _____ COURT _____ AMOUNT \$ _____ WK. () MO. ()
 LAST SUPPORT RECEIVED DIRECTLY BY CLIENT (IF COURT, GIVE NAME):
 FROM ABSENT PARENT _____ OR _____ COURT: DATE _____ AMOUNT \$ _____

MAN'S FULL NAME _____ SOC. SEC. NO. _____
 DATE & PLACE OF BIRTH _____ HT. _____ WT. _____ HAIR _____ EYES _____
 HIS FATHER'S NAME _____ HIS MOTHER'S MAIDEN NAME _____
 LAST KNOWN ADDRESS _____ DATE _____ TEL. NO. _____
 LAST KNOWN EMPLOYER _____ DATE _____ TEL. NO. _____
 HEALTH INSURANCE Yes ☐ No ☐ INSURANCE CO. _____ POLICY NO. _____
 CURRENTLY IN MILITARY SERVICE Yes ☐ No ☐ BRANCH _____
 VETERANS ADMINISTRATION BENEFITS Yes ☐ No ☐
 MILITARY SERVICE RETIREMENT Yes ☐ No ☐ BRANCH _____

NAMES AND DATES OF BIRTH OF MAN'S CHILDREN UNDER 18 YEARS (Only Those Receiving AFDC or for Whom AFDC is Requested) (Use a Separate Form for Each Father)

I do hereby attest to the truth of the above statements under penalty of perjury.

SIGNATURE OF CLIENT _____ DATE _____

(Use Reverse Side to Record Additional Information)

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WELFARE

Form A-32

NOTICE TO CHILD SUPPORT ENFORCEMENT UNIT (CSEU)

DATE: _____

TO: CSEU, _____
(Location)

FROM: CSA/WSO, _____

This notice refers for child support services:

Name _____ SS # _____

Address _____

Date of application for AFDC: _____

Recipient of AFDC Since: _____

The assignment of Support rights signed by the above-named applicant/recipient is attached.

Check one:

☐ Form A-30 is attached.☐ Form A-30 has been completed by Social Service Administrative Technician.Signed: _____
(Assistance Payments Worker)

Notice must be transmitted to CSEU within two working days after assignment is signed.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WELFARENOTICE OF FAILURE TO COOPERATE IN CHILD SUPPORT ENFORCEMENT

DATE: _____

TO: _____ CSA/WSO Director
FROM: _____ Child Support Enforcement Worker
RE: Name _____ Social Security # _____
Address _____

This is to inform you that the above-named person has failed to cooperate with the Child Support Enforcement Unit (CSEU) with reference to the following situation:

CSEU Worker has had conference with Assistance Payments (AP) Worker:

Yes ☐No ☐

Conference is requested with AP Worker

Yes ☐No ☐

Action should be taken to enforce the eligibility requirement of cooperation:

Yes ☐No ☐Distribution:

Original - WSO/AP Unit
Copy - - - CSEU

FIGURE III-j

Form A-23
P1554
Rev. 10/72

REFERRAL TO COURT SOCIAL WORKER
FOR SUPPORT ACTION - AFDC CASE

(USE A SEPARATE FORM FOR EACH FATHER)

RECIPIENT'S FULL NAME _____ MAIDEN NAME _____

ADDRESS _____ TELEPHONE # _____

S.S.# _____ AFDC REG. # _____ DATE OF APPLICATION _____

DATE OF BIRTH _____ PLACE _____

DATE OF MARRIAGE _____ PLACE _____

MARITAL STATUS 1. DIV. _____ 2. LEGALLY SEP. _____ 3. MUTUALLY SEP. _____ 4. SINGLE _____

1. DATE _____	COURT _____	AMOUNT \$ _____	WK. () MO. ()
2. DATE _____	COURT _____	AMOUNT \$ _____	WK. () MO. ()
3. DATE _____	COURT _____	AMOUNT \$ _____	WK. () MO. ()
4. HAS PATERNITY BEEN LEGALLY ADJUDICATED? _____			
DATE _____	COURT _____	AMOUNT \$ _____	WK. () MO. ()

DATE LAST SUPPORT PAYMENT RECEIVED _____ AMOUNT \$ _____

RECEIVED BY CLIENT _____ WELFARE DEPARTMENT _____

MONTHLY GRANT \$ _____ QUARTERLY (FLAT) GRANT \$ _____ OTHER INCOME \$ _____

FULL NAME OF PARENT NOT SUPPORTING FAMILY _____

LAST KNOWN ADDRESS _____ TELEPHONE # _____

S.S.# _____ DATE OF BIRTH _____ PLACE _____

LAST KNOWN PLACE OF EMPLOYMENT _____

DESCRIPTION: HEIGHT _____ WEIGHT _____ HAIR _____ EYES _____ RACE _____

HIS FATHER'S FULL NAME _____

HIS MOTHER'S MAIDEN NAME _____

HIS MOTHER'S _____

CHILDREN'S FULL NAMES AND DATES OF BIRTH (ONLY THOSE IN AFDC BUDGET)

DATE _____ SOCIAL WORKER _____ WSO _____

(SEE REVERSE SIDE)

FIGURE III-k

Form A-29
P 1545
Rev.- 11/71



The Commonwealth of Massachusetts
Department of Public Welfare

RETURN TO:

STEVEN A. MINTER
COMMISSIONER

DATE: _____

Dear Sir:

Your family is being provided financial assistance by the Department of Public Welfare under the Aid to Families with Dependent Children program.

Our records indicate that you are under a District Court (), Probate Court order () or have signed a voluntary agreement () to pay \$ _____ per week for the support of your dependents.

Your last support payment was \$ _____ received on _____. Since we may be unaware of present circumstances which may have affected your ability to comply with either a court order or voluntary agreement we urge you to contact this office immediately.

If you are not making support payments by one of the methods outlined above we expect you to contact this office within ten days in order to make arrangements for support payments to your family.

It is also possible that you are making direct payments to your family and that this department is not aware of this arrangement. In this case you should also contact this office.

In the event that you do not make an effort to contact this office regarding support payments we have no other recourse except to start legal action. Section Twenty-One of Chapter 18 of the General Laws, as amended by Chapter 835 of the Acts of 1969, provides that a parent who deserts or who unreasonably refuses to support his wife and/or minor children is subject to legal action initiated by the Department of Public Welfare in the courts of the Commonwealth.

Yours very truly,

SUPPORT UNIT

Tel: _____

Social Worker _____

[illegible]

FIGURE III-m

Form A-25
Rev. 10/73

PARENTS SUPPORT AGREEMENT

DATE:

Parents Social Security #:

_____ (Father)

_____ (Mother)

I, _____ of _____
(Street) (City or Town)

am the father of _____

_____ the children of _____

I agree to pay the Massachusetts Department of Public Welfare the sum of \$_____ each and every week toward the cost of support and maintenance of my dependents who are now being provided for by said Department. The first payment to be made on _____. I further agree that these payments will continue to be made by me during the time that my dependents are being partially or totally support by the said Department. I am presently employed by _____ (company) of _____ (address) and my gross pay is \$_____ weekly. Should circumstances change which affect the conditions of this agreement, I shall notify the Department of Public Welfare immediately. This includes an increase or decrease in salary as well as loss of employment.

Signed under Penalty of Perjury

(Parent's Signature)

(Witness's Signature)

Postal money orders or bank checks are to be made payable to the Massachusetts Department of Public Welfare and sent to _____ Welfare Service Office located at _____ (address), Massachusetts.

Section twenty-one of Chapter 18 of the General Laws, as amended by Chapter 885 of the Acts of 1969, provides that a parent who deserts, or who unreasonably refuses to support his wife and/or minor children, is subject to legal action initiated by the Department of Public Welfare in the courts of Massachusetts.

FIGURE III-nForm A-28
P 1544THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC WELFAREDATE: _____
CASE # _____WAGE REPORT

RETURN TO: _____

THIS DEPARTMENT IS INTERESTED IN _____,

(Occupation)

(Department)

WE WOULD APPRECIATE YOUR COOPERATION IN PROVIDING THE FOLLOWING INFORMATION:

VERY TRULY YOURS,

(Support Unit)

(Current address)

NO. OF TAX EXEMPTIONS: _____ SOCIAL SECURITY #: _____

IS THE ABOVE-NAMED PERSON AND/OR HIS FAMILY ENTITLED TO HOSPITAL OR SICK
BENEFITS? Yes No Type

ABOVE-NAMED PERSON IS NOT IN OUR EMPLOY: _____

DATE OF AND REASON FOR TERMINATION OF SERVICE: _____

HAS EMPLOYMENT RECENTLY BEEN OFFERED? _____

EARNINGS FOR PAST TEN WEEKS

Week Ending	Gross	Net \$	Week Ending	Gross	Net \$

TEL #: _____

SIGNATURE: _____

CHAPTER IV

THE DATA

A. A CASE STUDY OF NEW BEDFORD, MASSACHUSETTS

In November of 1977, the author gained access to the complete files of the Child Support Enforcement Office in New Bedford, Massachusetts.¹ All cases of child support enforcement in the Commonwealth involved the fathers of families on AFDC. We need data on the family from AFDC files and on support enforcement against the father from IV-D files. During the next three months, information was recorded from both sets of files (AFDC and IV-D) covering the complete history of AFDC dependency of the family, the marital history of the parents, and a record of the father's history of child support since the family's first successful application for AFDC. Of an approximate total of 5,000 AFDC cases in the New Bedford region, about 4% were AFDC-UP cases,² 6% involved a deceased father, and another 10% a father who was incapacitated (unable to work toward the support of his family). Of the remaining 3,950 cases with IV-D (child support

1. The author wishes to express her gratitude to Representative Mel King, Commissioner Alexander Sharp, General Counsel A. Van C. Lanckton, both of the Department of Public Welfare in the Commonwealth of Massachusetts, and to Gertrude L. Linehan, Director of the Massachusetts Child Support Enforcement Office, for their assistance.

2. Where the father is unemployed, he may live in the home and be included in the family's AFDC-Unemployed Parent budget, in which event child support enforcement action is terminated.

enforcement) potential, approximately 70% (about 2,800) of absent fathers had been located for support purposes, and an agreement of order established.¹

New Bedford City is located in Bristol County² on the south-eastern coastal area of Massachusetts, about 80 miles south of Boston. Figure IV-a shows a map of east Massachusetts, and Figure IV-b provides an enlargement of the inset area featuring the cities and towns which form the study area, the New Bedford Region: New Bedford, Achushnet, Dartmouth, and Gosnold Island. The AFDC records of families residing in these towns are located in the New Bedford Welfare Service Office (WSO), although this office also coordinates welfare service provision throughout a larger region which includes the towns of Mattapoisett, Rochester, Marion, Wareham, and Fairhaven.³ For the purposes of this child support enforcement research, we will be concerned only with those towns shown in the inset of Figure III-b. All child support payments made by fathers on behalf of AFDC families in this region are collected by the IV-D unit office located also in the New Bedford Welfare Office building. Frequently, enforcement of court orders requires that local IV-D unit workers travel to courts in which a particular order originated.⁴ Many such cases are transferred for

1. A complete description of the data on child support enforcement in New Bedford is provided in Section C of this Chapter.

2. The population of New Bedford City in 1970 was approximately 650,000.

3. Both Fairhaven and Wareham have WSOs, and therefore their own child support enforcement units. Figure IV-c shows a map of the larger region, indicating the location of CSAs (Community Services Area offices), WSOs (Welfare Service offices), and courts.

4. In addition to the local district and probate courts, New Bedford is also the site for a Superior Court, one of seven in Massachusetts, which occasionally handles appeals in child support enforcement cases.

FIGURE IV-a. EAST-COASTAL MASSACHUSETTS WITH NEW BEDFORD REGION INSET

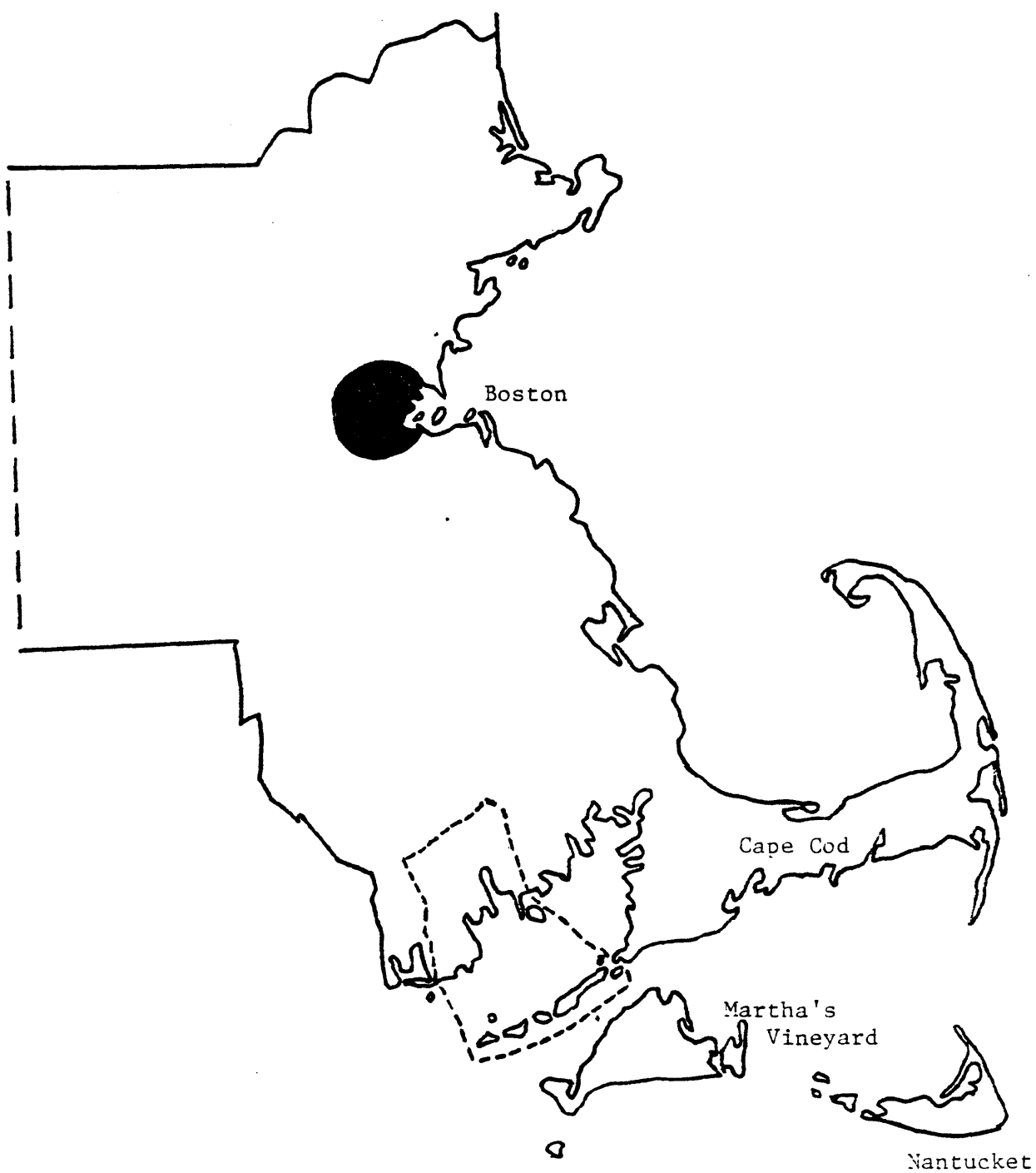


FIGURE IV-6. THE NEW BEDFORD REGION OF MASSACHUSETTS

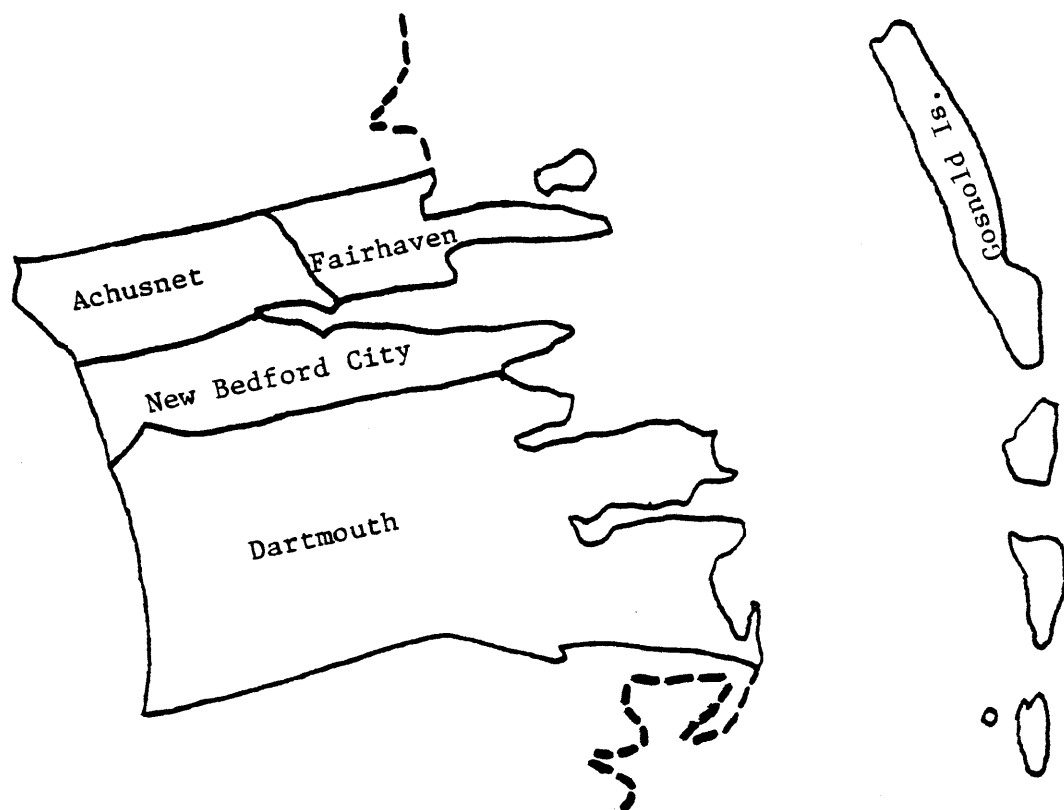
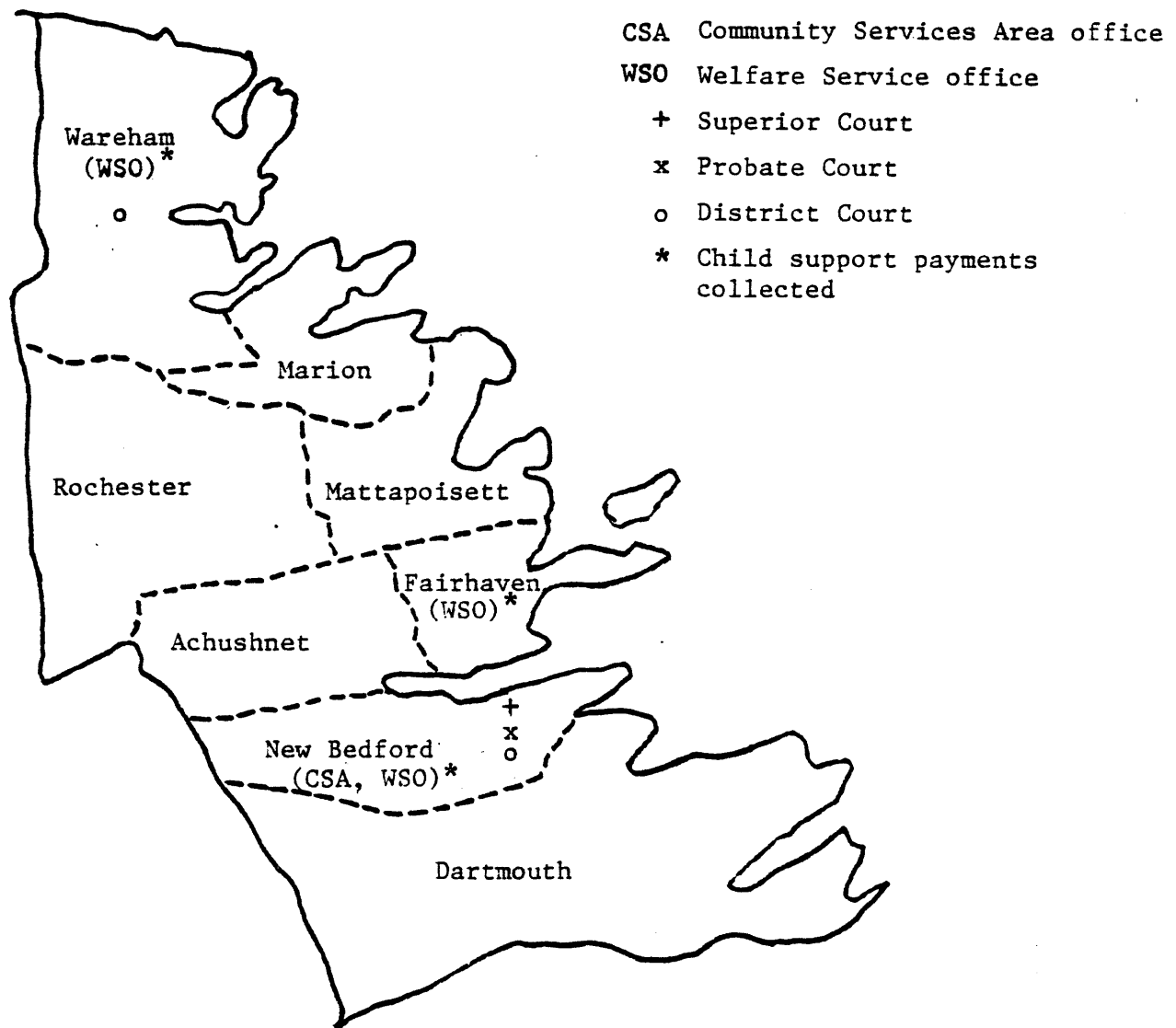


FIGURE IV-c. COMMUNITY SERVICE AREA OF NEW BEDFORD, MASSACHUSETTS
(REGION 34, TITLE XX)



convenience to local New Bedford courts, probate or district.

Economically, the New Bedford region is relatively depressed. It has the highest unemployment rate of any region in the Commonwealth, 5.1% in 1970¹ and 12.0% in 1977. The high unemployment is also reflected in the numbers of individuals whose income was below poverty level in 1970 and who were receiving public assistance: 14% in New Bedford, compared with 9% in the state overall. Local manufacturing provides employment for 41% of the local labor force, specifically textiles and machine equipment (20%) and non-durable goods (9%).² Most factory work is highly unionized in the region. A significant proportion of local jobs are seasonal: local fishing and construction industries account for 8% of the local New Bedford labor force. In the absence of local job opportunities particularly during the winter months, many workers seek out-of-state employment in nearby Rhode Island or further down the east coast.

Labor force participation rates for both men and women between 18 and 21 years of age are 8.2% higher in New Bedford than in the state overall, as shown in Table IV-1. This trend toward earlier labor force participation is also apparent from the low relative school enrollment rates for the same age group, which is 12% lower than in the state overall. In 1970, 25% of all 16 to 21 year old New Bedford males were not high school graduates, compared with just 12% in the state that year. The median school years

1. The unemployment rate for the state in 1970 was just 2.2%.

2. This is 10% higher than state levels of employment in manufacturing. Fully 29% of local New Bedford workers are machine operators (non-transport industry), compared with 15% in the state overall.

TABLE IV-1. LABOR FORCE PARTICIPATION RATES, 1970

		New Bedford SMSA	Massachusetts	% Difference
Age				
Males	18-19	66.7	58.5	8.2
	20-21	74.5	68.6	5.9
Females	18-19	61.6	52.3	9.3
	20-21	65.7	59.9	5.8
	25-34	51.0	43.3	7.7
	35-44	58.6	50.9	7.7

Source: U.S. Bureau of the Census, Census of Population: 1970.
 General Social and Economic Characteristics. Final Report.
 Massachusetts. PC(1)-C23, Tables 64 and 85 (pp. 258, 318).

completed by New Bedford males was 9.3, by New Bedford females 9.6, compared with state averages of 12.2 years for both males and females.

Finally, the percent of 18 to 24 years olds in New Bedford with four or more years of college was 4.1%, compared with 8.8% for the state as a whole.¹

Note also from Table IV-1 that the labor force participation rate for women of major child-bearing age (24 to 44 years) in New Bedford is substantially higher than for the state. On the other hand, overall rates for mothers in female-headed families with children under six years of age is lower (31%) than for the state (38%). This may reflect the higher competition for jobs among women in New Bedford, but more importantly, the rate indicates that there are probably higher levels of family poverty if FHF's are unsupported by wage earnings of the mother. We would also expect higher proportions of FHF's to require public assistance under the AFDC program.

In 1970, the median family income in Massachusetts was \$10,835; in New Bedford it was \$8,792. Much of the difference can be explained by the higher percentage of blue-collar worker in the New Bedford labor force. We also find, however, that average wage levels for all professional workers, and for women in the New Bedford work force, were substantially lower than state levels. In 1970, 10% of all New Bedford families had incomes lower than poverty level, compared with 6% in the state. Although the mean size of New Bedford families was 3.4, compared with 2.4 for the state, the mean size of poor families² was approximately the same for both (about 3.6).

1. Although the difference is somewhat inflated by the high percentage of Massachusetts residents attending college.

2. i.e. those with annual incomes lower than the poverty level.

In New Bedford, 38% of all families were headed by women, a lower percentage than for the state as a whole (43%). This suggests that higher levels of family poverty in New Bedford are to be explained by higher numbers of intact families below poverty level in the region.¹ In 1970, 27% of all New Bedford families received their income from social security (6% higher than for the state), while 9% of New Bedford families were receiving public assistance or public welfare income (compared with 6% in the state overall). By 1977, fully 12% of all New Bedford families were receiving assistance under the AFDC program.²

1. An alternate explanation would be that New Bedford had a relatively high percentage of families headed by fathers only. However, only 0.1% of all poor families on welfare in 1973 were headed by males, 1.1% lower than for the U. S. as a whole.

2. These statistics do not include families receiving other forms of public assistance and are therefore an underestimate of actual levels of family poverty in New Bedford in 1977.

B. CREATION OF THE STUDY FILE

Data Files in New Bedford

The New Bedford Child Support Enforcement Unit maintains several files pertaining to both the family on AFDC and the father from whom support is being enforced. Each filing system was organized alphabetically under either the mother's, or the father's, name. A main filing system listed all IV-D cases, by name of the father, in which some action for support enforcement had been taken against the father by December of 1977. A second file cross-referenced parents by name changes, single, married, re-married, and maiden. These basic files contained the names of approximately 2,800 parents, and comprised 67.5% of all New Bedford AFDC cases.

A third filing system listed all IV-D (child support enforcement) cases according to whether they had been established by verbal or voluntary agreement,¹ or by probate or district court order. URESA cases were filed under probate or district court orders, depending on the type of action involved. A fourth filing system contained a folder of information on each father participating in the IV-D program, including a full history of support enforcement against the father, the various wage reports associated with each court action, together with other documentation of the father's ability-to-pay support.² This folder also contained all information available on

1. Voluntary agreements are signed affidavits of paternity establishing the amount of the weekly support obligation. Verbal agreements are generally obtained by telephone from fathers unwilling to formalize their support arrangement with the Department of Public Welfare, either through fear of disclosure of their relationship with the child's mother and/or court action.

2. Such as information regarding a father's second family, evidence of particular hardship (hospitalization, unemployment), etc.

the father's own need, specifically his receipt of income subsidies. For example, if a father had been receiving OASDI,¹ unemployment compensation, General Relief, or any other form of public assistance, enforcement proceedings against him are temporarily suspended.²

A fifth filing system consisted of cards recording the total AFDC grant amounts of the family, together with changes in the grant level by date and amount, but not by reason for the change.³ These cards also recorded each support payment made by a father by date and amount paid. For the most part, this filing system was not used as a means of monitoring the support payments of fathers, but rather as a handy reference system for payments received in the event of a discrepancy between payments alleged by the father or received by the Boston office from New Bedford.⁴ These so-called "green cards" were divided into open or closed cases, referring to the AFDC status of the father and therefore the IV-D status of the father. The only exception was cases involving arrearage payments by the father, which may remain open for IV-D collection purposes even though the family is no longer on AFDC. Arrears cases were kept in the file for open cases, and were tagged to facilitate closer monitoring. All cards in this file were listed under the mother's name (i.e. AFDC applicant on behalf of the family).

1. Old age or disability insurance.

2. A father may also qualify for inclusion in the family's AFDC budget, in which case he may remain in the home. Relatively few fathers in the New Bedford IV-D program participate in this AFDC-UP program; most unemployed fathers are absent from the home and receive instead U.C. (unemployment compensation).

3. Reasons for AFDC status or grant level changes were recorded in the AFDC folders of the family, located in another office of the building. For the most part, these were voluminous and were only referred to when data required clarification.

4. In the change to a fully computerized system of payment records, the New Bedford IV-D office has maintained this separate file as a back-up system.

A sixth filing system listed all IV-A (AFDC) status changes of the family, noting dates of applications, reasons for status changes,¹ and reason for denial of a grant. Unless otherwise stated, all AFDC case openings involved a father who was absent from the home. The file system listed cases under the name of the mother or other applicant for AFDC on behalf of the family. It also contained the A-30² form detailing the marital history of the parents together with personal data on parents and children of the family.³

The process of recording data for the study file involved accessing each of these six filing system separately. Since each file was established for a different purpose (e.g. case monitoring or payment record), they were variously listed under the name of the mother or father, for AFDC or IV-D purposes respectively. We therefore created a separate system for tracking all cases using the cross-reference file of names and a cross-check of social security numbers of both parents. Although all cases were identifiable by assigned numbers in chronological order, those numbers could now be directly related to actual case records through the alphabetic file.⁴

1. Case workers usually recorded just the main reason for case opening or closure, although several reasons may apply (for example, paternal nonsupport and the loss of employment by the mother).

2. See Figure III-g.

3. Such as the birthplace of the father, and birthdates of all family members.

4. This would allow changes which occurred subsequent to December of 1977 to be added to the study file at any later date.

Completeness of the Data

The initial research file compiled from the six filing systems included approximately 2,800 child support enforcement cases. As each file was reviewed, it was found, however, that not all cases had complete information on marital, AFDC, employment, or support histories of families and fathers. We decided to exclude from our study file all cases for which wage reports were not available, introducing some degree of sampling error. Cases without wage reports usually involve fathers who are either: (a) paying support under an older agreement with the Department, established informally (verbal or voluntary agreement), for which no wage report was required;¹ or (b) "skip" cases, where a father has managed to evade all measures for enforcement of support or has left the New Bedford region and cannot be located.² In the first case, the father under a verbal or voluntary agreement to support has usually been non-delinquent, so that subsequent court action (and wage reports) have not been sought against him. In the second case, since the father cannot be located, wage reports were not obtained. If both types occurred with equal frequency in our New Bedford sample, we would expect their effects on overall measures of support delinquency to be offsetting.³

1. Informal agreements to support (verbals or voluntaries) are now accompanied by wage reports. In the early stages of the Massachusetts Child Support Enforcement Program, fathers who responded to initial enforcement proceedings were rarely subjected to wage scrutiny.

2. The problem of enforcing support obligations against fathers who have "skipped town" is discussed by Henry H. Foster et al., "Child Support: The Quick and The Dead", 26 Syracuse Law Review (1975) p. 1157.

3. Estimates of support delinquency in New Bedford would be inflated by the exclusion of non-delinquent, informal cases for which no wage report was obtained. On the other hand, estimates would be deflated by the exclusion of "skip" cases.

We also excluded all cases involving an absent mother from the home against whom enforcement proceedings had been initiated on behalf of the father and family.¹ We also excluded all cases involving a grantee relative or other applicant for AFDC on behalf of the family.² Aside from these three types of cases, non-systematic rule was applied in the exclusion of other cases from the study file. We decided to exclude any case for which all marital, employment, support, or AFDC information was not available or was incomplete.³ From our original file of approximately 2,800 IV-D cases, we compiled a study file of 682 cases for which complete information was available.⁴

All data files contain some error. In the following paragraphs of this subsection we will identify known or potential sources of error in the New Bedford study file. For the most part, we have not provided any estimates of the magnitude of this error, but we do indicate the effects, if any, it may have on our later analyses. Error in the data file is

1. Comprising 0.1% of all New Bedford IV-D cases only, compared with a national average of 1.2% of support enforcement cases.

2. Less than 3% of all cases involved a grantee relative or other applicant. We did not, however, exclude cases from our file involving a child who was temporarily out of the home and mother's care (i.e. in an institution or with a relative).

3. This could mean the absence of details such as the birthdate of a child, the dollar amount of a support order, or the date of an AFDC status change. If missing, we would attempt to locate this information from the AFDC file of the family located in the IV-A offices. However, data which could only be obtained from these AFDC files, such as the mother's age, birthplace, and employment history, was not included. The AFDC files of families were often voluminous, and therefore were used only for purposes of data verification where the IV-D files were incomplete.

4. 24% of all New Bedford IV-D cases. No data was available in the IV-D files on the education levels of parents or children in participating families.

derived from three major sources: (i) the deliberate provision of misinformation to the IV-D agency by either parent; (ii) maintenance of incomplete records by IV-D or AFDC workers; and (iii) the unintentional mis-recording of information by IV-D or IV-A workers or by the author of this study.

Occasionally a mother will provide false information to the AFDC or IV-D workers. She may be reluctant to reveal an illegitimate birth, or that she is married but not to the father of the child on AFDC. She may even wish to preserve a relationship with the father of the child and therefore be reluctant to reveal his whereabouts. The mother may also fear repercussions from the father if she cooperates in the enforcement effort. On the other hand, many mothers were willing, even enthusiastic, to assist IV-D workers in the enforcement effort, particularly during the first year of the program when incentive payments were given to those mothers who could convince the fathers to pay support promptly.¹ Trained welfare workers are generally quick to detect inconsistencies in information supplied to them by applicants.

Fathers may also supply the IV-D agency with false or inaccurate information. For fear of disclosure, they may neglect to mention the existence of a second family they are supporting.² Many couples need welfare assistance, but can obtain a grant only if the father is unemployed, or they are separated. In order to become eligible, many destitute couples "separate".³

1. Incentive payments were \$20 for prompt support by the father. No doubt the threat of forfeiting their own AFDC grant provided the strongest incentive for mothers to cooperate.

2. Fathers may fear their present family will learn of a former, or unwed, alliance. They may also fear multiple enforcement proceedings against them where both families are on AFDC.

3. The father may remain in the home. More often, however, he leaves his family if only to live close by with relatives or friends. The fact that many women do become pregnant subsequent to the parents' "separation" lends some support to this theory.

These destitute couples are among the least likely to object to IV-D efforts because they cannot afford close scrutiny of their AFDC case.¹

Fathers may also falsify their employment and earnings. It is in the interest of the nonsupporting father to underestimate his real net worth or earnings level so as to minimize his support costs. A low weekly wage means a commensurately low level of support. It is generally assumed that there is moonlighting among fathers, particularly among seasonal workers. Until IRS procedures for monitoring tax returns of fathers in the IV-D program are put into effect, we cannot estimate the potential impact of these jobs on the earnings levels of fathers, far less on AFDC recipient families. Revised support orders based on full disclosure of the annual income of fathers under IV-D could result in substantially higher support orders in the future.

For the most part, however, errors in the data file were not intentional.² In the general area of terminology, we used simplest terms to describe complex marital, AFDC, employment, and support situations pertaining to the fathers and their families. At the outset we caution the reader against making sweeping assumptions about the behavior of delinquent parents or their families on welfare based on these data. To emphasize this point, we have provided below some examples of incompleteness in the study file.

1. For the most part, enforcement efforts are most successful therefore against those least able to object or to avoid enforcement measures. Unfortunately, these fathers are often those least able to pay support.

2. Such errors were located in approximately 4% of cases in the study file.

We tried to locate errors in two ways. First, after the data had been ordered chronologically, various tests for gross inconsistencies were devised.¹ A second way was by conducting interviews with more than a dozen support and enforcement workers in New Bedford and other offices. Errors could occur because workers chose a more convenient or simple procedure. AFDC grant level adjustments and eligibility re-determinations depend on the maintenance of accurate records. Although recent laws have condemned past welfare practices and now favor the privacy of welfare recipients, the inception of the IV-D program marked the beginning of an increase in the level of case monitoring. Close monitoring of the family's financial status has been justified by the need to determine appropriate levels of support, or levels of support at which the family may become ineligible for continued assistance. Consequently, there has developed close cooperation between AFDC and IV-D workers: the AFDC worker refers cases to IV-D, notifying IV-D when a case has terminated and enforcement is no longer required.

1. For example, we cross-checked ages of fathers with marriage dates of the parents and the birthdates of their children. This also provided a check for changes in the marital status of the mother. In another test, we checked for AFDC entries occurring prior to the birth of the first child. If the AFDC case was later opened because of a legal separation or divorce of the parents, we could infer a marriage where one had not been listed. However, unless the date of that marriage could be obtained, the case was not included in the study file. In some cases, an AFDC file was open for a mother prior to the conception of her first child. We discovered that this usually meant the mother herself was a minor and recipient of AFDC as a child. Another test was devised to test whether fathers were continuing to pay support to the Welfare Department after the termination of the family's AFDC grant (i.e. they should then pay directly to the family under the Massachusetts enforcement system). Invariably, those cases where a father continued to pay involved the payment of arrearages which had been established under a prior court order, but had not been correctly tagged to so indicate this status. In some cases, information not actually found in the IV-D files was inferred. For example, where a case had been closed "per request of the mother", but subsequently re-opened because she had lost her job, or had separated from the father again, the earlier AFDC exit reason was adjusted to reflect the major reason for the AFDC status change.

However, given the high rate of turnover in AFDC, and therefore IV-D, cases, workers have devised various systems for reducing the amount of time spent on case records. So, for example, when an AFDC case is opened, although there may be several reasons for the family's welfare application (such as loss of the mother's job, marital separation, unemployment and job search by the father, etc.), the support worker will list only the major reason.¹

Each case in the study file contains data on a particular father and mother and their child or children. Although we obtained complete marital histories of the mother in each case,² there was no comparable record of marital status change for the father of the family other than those which involved the mother of the particular AFDC family. For example, we had no information on second families associated with each father unless those families happened to live in New Bedford and were recipients of AFDC.³ If data on the second AFDC family was judged complete for the purposes of our research, that case would be included in the study file. Thus, one father might be represented in more than one case on the file. Similarly, a woman who had children by more than one father in the New Bedford region

1. Reasons for AFDC case openings and closures used in this research are provided in Appendix C.

2. At least during the period she and her family were on AFDC. Obtaining full marital information on the mother is relatively easy since changes in marital status directly affect the AFDC status of herself and her family (i.e. re-marriage generally results in the termination of an AFDC grant).

3. Although in several cases, the father indicated that he had a second family, no information on those families was recorded unless they were AFDC recipients living in New Bedford.

might also appear in more than one case on the study file.¹

Our estimates of the number of second families associated with fathers in the New Bedford IV-D program are inadequate for several reasons. First, we only have knowledge of second families which are on AFDC in the New Bedford region, not in other regions. Second, the study file will include these cases only if complete information was available on the second family (i.e. marital, support, employment, and AFDC histories). No doubt many fathers have second families, or first families, living in other regions² of Massachusetts and in other parts of the United States. Given the inadequacy of our statistics on other families associated with the New Bedford fathers, we cannot accurately assess the impact of child support enforcement on these second families.³ Given the Supreme Court ruling stating that a father has a prior support responsibility for his first family, regardless of the circumstances of his second family, and the fact that support order levels are established without regard to another family of the father, we would expect the impact of support enforcement on the second family's financial welfare to be considerable.

1. Cases which involve a mother or father who is represented in another case of the study file number 14 or 2%.

2. The Massachusetts IV-D Agency is currently compiling a list of all fathers in the state who have two or more families on AFDC residing within Massachusetts. Our estimates of AFDC dependency associated with the New Bedford fathers in the IV-D program will still be underestimated, however, since we might expect some numbers of out-of-state families on AFDC.

3. Our information on second families of fathers not on AFDC is sketchy at best, and was provided only where the father volunteered the information. The study file contains no information on these families. However, we have data on cases where the mother on AFDC is caring for her own children as well as the father's children by a prior marriage or alliance.

Although marital histories in the study file include all marital¹ status changes of parents who have been married, no information was available on informal alliances of parents. Although unmarried couples undoubtedly live together, and subsequently separate, the only reason listed for AFDC openings in these cases is that the "mother is single". In 31.1% of the New Bedford cases, the parents were married post-conception but prior to the birth of the child. In another 11.9% of cases, the parents married after the birth of their first child. It seems likely that at least in some of these cases the parents lived together while unmarried. Informal marriage was probably also the case in at least some of the 5.3% of all single mothers who remained single throughout the study period,² although we suspect that a significant number of fathers of illegitimate children were themselves married.³ The effect of these inaccuracies in the data file is that they indicate a higher level of "casual" pregnancy than was probably the case. They also suggest a higher rate of total economic abandonment by fathers of illegitimate children which may not have been the case. That is, fathers may have separated from mothers who are single and only then become support delinquent.

1. A large volume of data was available from the New Bedford study files. However, we restricted the scope of our research to an examination of the impact of support enforcement on welfare dependency. We therefore did not carry out many of the analyses on marital data originally proposed. For example, we did not estimate the average duration of marital status types prior to changes, such as the duration of marriages prior to legal separation or divorce, nor did we examine the impact of enforcement on marital status. However, in Section E of Chapter V we present data which strongly suggests a relationship exists between enforcement and marital "reconciliation". We also briefly present statistics on separations prior to and after the birth of children in a family.

2. We will define the study period in Section C of this Chapter.

3. In the California study, it was found that about half of all fathers of illegitimate children were married (Young & Co., op.cit., p.32).

This brings us to another source of potential error in our statistics. Throughout this research we have assumed that support enforcement proceedings were established by IV-D against nonsupporting fathers. However, we know that many fathers were at least offering partial support to their families subsequent to their departure from the family home, and even while the family was receiving public assistance. We also discovered that some fathers settled their support obligations in lump sum out of court, or at pre-trial hearings. Our data does not include hearings or other out-of-court settlements made by fathers to the Welfare Department. Only those enforcement actions involving civil or criminal action, or a verbal (unsigned) or voluntary (signed) agreement to support, are listed in the study file. We therefore cannot estimate the deterrent effects of such informal or intermediate actions for enforcement on the support behavior of fathers.¹

Finally, the employment data on fathers participating in the IV-D program is incomplete in the sense that we have not recorded all changes in employment status, nor all job changes, which occurred during the study period.² We also do not have any record of the duration of employment or unemployment in each instance, so that the net weekly earnings may be inflated or deflated. We have already mentioned the absence of any information on second jobs held by fathers in the IV-D program. Only with the

1. The methodology for assessing support delinquency among fathers is discussed in detail in Section C of Chapter V. In lieu of obtaining data on every payment, by date, amount, and type of order established, we instead developed a scale of "compliance" with support orders. Levels of compliance are listed in Appendix C.

2. We allowed only three entries per case for changes in employment status. Changes included job changes, unemployment experiences, and incidences of reliance on public assistance income.

use of IRS data on fathers annual incomes will we be able to make accurate assessments of appropriate support levels based on fathers' ability-to-pay.

Ideally we would have constructed case histories which related weekly payments by the father, and changes independent of support in the family's AFDC grant level, to determine the impact of enforcement on welfare dependency. We could also have examined the impact of IV-D by comparing AFDC closures, by reason for closure, both prior to, and after, the Child Support Enforcement Program. The first approach was cost-prohibitive. Changes in AFDC grant levels of families,¹ and in fathers' payment levels, occur regularly in many cases. The second approach would have been possible if we had obtained data on the family's prior to the establishment of the first order for support. However, all cases on the study file (and in the IV-D office) list only those AFDC entries which occurred just prior to support enforcement action against the father. The enforcement program in Massachusetts has been in operation since the 1950s, and the likelihood of obtaining a sample of families which entered AFDC well before enforcement action occurred is remote. In Chapter V, we will show that detailed histories of AFDC and support level changes may not be necessary for inferring a positive relationship between the enforcement of child support and welfare dependency. Few fathers in the New Bedford study file were able to pay support amounts which exceeded their family's AFDC grant, thereby effecting the termination of the family's grant.

1. For example, changes in the AFDC grant level can occur if the mother finds a job, receives a wage increase or decrease, or becomes unemployed. Adjustments may also occur according to the number of eligible children for inclusion in the grant. The mother may have another child, or one of her children may reach majority (21 years of age for the purposes of AFDC support). A child may also be under 21 years of age and employed. Or a child may be out of school and unemployed, but refuses to register in the WIN (Work Incentive) program, thereby forfeiting his or her grant.

The data gathering process took approximately nine weeks, with data verification and cleaning requiring an additional four weeks. All cases in the study file were recorded in alphabetical order to facilitate later additions to the file or corrections to the data. All dated entries were also ordered chronologically to aid computing in longitudinal analyses. Various checks were then made for inconsistencies in the data file. Coding was developed to describe all marital, employment, AFDC, and child support status changes.¹ By March of 1978, the study file of 682 cases was ready for transfer onto IBM computer cards.² A duplicate deck and tape were made of the datafile. All computing for this research was performed on the IBM 370 facility at M.I.T. Initially, we used SPSS³ to obtain frequency distributions and cross-tabulations, outlined in the following Section of this Chapter. All subsequent analyses of the data⁴ were performed using Fortran.

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1. The complete list of codes appears in Appendix C.
 2. A total of four cards per case was required to store data on each father and family. A brief summary of the format for data stored on IBM punched cards is provided in Appendix D.
 3. Statistical programming package for social sciences.
 4. All analyses performed are discussed in Chapter V.

C. DETAILED DESCRIPTION OF THE DATA

Summary

For each of the 682 cases on the New Bedford study file, we obtained the birthplace and age of the father, the total number of AFDC families and AFDC children in the New Bedford region associated with this father, and the number of children in this particular AFDC family, that is, those children of this mother and this father. This last number may also include children by a former alliance of the father who are being cared for by this mother. We also listed the ages and sex of each child in the family.

We then constructed a marital history of the father and mother in each case on the study file. First, we made a chronological listing of all marital status changes involving the parents (or the mother), including maternal single status, marriages, separations, reconciliations, and remarriages (by the mother to the father or another man). A total of six marital status changes could be recorded in each case on the study file.

We also constructed similar histories of the family's dependency on AFDC. All AFDC status changes were ordered chronologically, each entry containing the date and reason for the case opening or case closure. Where multiple reasons were provided for the status change, they were included as a separate entries with the same date. In each case, there could be twelve possible AFDC entries.

We then recorded the employment data on the father. For each case, a total of three changes in the father's employment status (or occupation and earnings) could be recorded. Each action for the enforcement of the father's support obligations to his AFDC family generally requires a new wage report providing evidence of his ability-to-pay. Most employment entries are therefore dated just prior to an action for support enforcement. Each employment

entry included the date when the information was obtained, the father's occupation entered in code, and his net weekly earnings at that time. The net weekly earnings are estimated as the average net wage earned during the previous ten week period. The employment code may refer to the occupation of the father, or may indicate that he was unemployed at the time, or that he was receiving a particular type of public assistance.¹ It could also show whether the father was receiving income from insurance or pension policies. If the father was not receiving regular wage earnings, his average earnings were estimated in the same way as if employed, except if he was unemployed and receiving no compensation or other assistance. In that case, his net weekly earnings would be listed as \$0.

Finally, for each case we recorded all actions for support enforcement in chronological order, up to a total of five possible actions. Each support enforcement entry included the date, type of order, and weekly dollar amount of support required under the order. After each order we also added a coded assessment² of the father's payment compliance with that particular order. This compliance (or delinquency) code included up to three payment level changes, as well as the date (month and year) of the final payments made by fathers who stopped paying support altogether. Each case in the study file was also assigned a single code, indicating whether the case was open or closed as of December 1977, and showing the father's then current status in terms of payment compliance with the most recent order established for support.

1. Such as General Relief, OASDI (Old Age Security and Disability Insurance), or U.C. (Unemployment Compensation).

2. A full description of our method of ranking payment compliance levels is provided in the final subsection of this Chapter.

The Study Period

The study file contains the complete AFDC, marital, and child support histories of 682 families. In many cases, the AFDC history of the family started in the early 1960s, the oldest record on the file beginning in 1959. Similarly, the support enforcement program in Massachusetts began in some cases as early as 1960. The oldest child for which we have a support enforcement and AFDC history was born in 1952. Employment data on fathers began with the institution of support orders, the earliest entry on the study file dated 1960. Marital histories can begin much earlier of course. The earliest marital status entry recorded on the file was in 1939. Our first concern in creating this study file was to obtain all the information available on the family from the IV-D office files regardless of the date of the first AFDC entry and subsequent support enforcement action. Consequently, the beginning of our study period will vary with each particular case. However, we also decided on a cutoff point for our data gathering of December 1977. Any AFDC, marital, or support status change occurring after this date was not included in the study file.

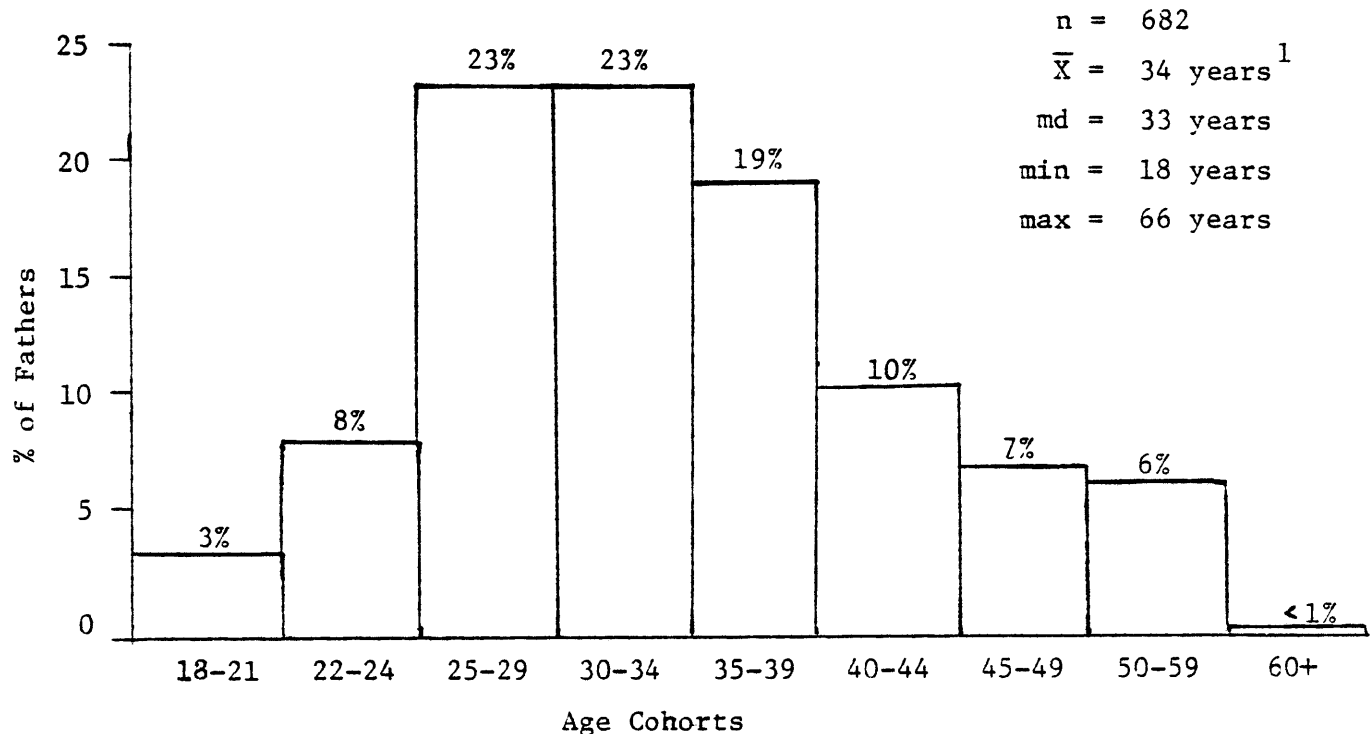
All earnings and support statistics have been reported in current dollars in this research even though there was high inflation during the study period. However, no adjustments to current dollars was needed because no direct comparisons were made between dollar amounts. Instead we used ratios of support to earnings in all our analyses.¹

1. There were two exceptions: (i) in the following subsection of Chapter IV, we compare the average net weekly earnings of fathers in the New Bedford IV-D program; and (ii) we compare average weekly support orders and payments of participating fathers in Tables V-2a, V-4a, and V-5a, with HEW recommended levels (Table V-1a). In the first case, we averaged all earnings data available for each father to obtain a rough approximation of average earnings. In the second case, we used support and earnings data from only those cases which had post-1974 data. In constructing these tables, we chose the first wage report entry and support order entry which occurred since January of 1975. Cases which did not contain both entries were excluded.

The Fathers and Their Families

For each case on the study file we obtained the age and birthplace of the father. The distribution of ages among the New Bedford fathers in the IV-D program is provided below in Figure IV-d.

FIGURE IV-d. HISTOGRAM OF AGE DISTRIBUTION OF IV-D FATHERS IN NEW BEDFORD



Given the high proportion of Spanish-speaking persons in the New Bedford, we also decided to see whether there was a higher incidence of welfare dependency due to parental absence among new immigrants. We divided birthplaces into the following categories: (i) New Bedford; (ii) local (adjoining county) but not New Bedford; (iii) nonlocal, but in Massachusetts; (iv) other

1. The average age of the New Bedford IV-D fathers was higher than that of fathers in the California IV-D program in 1975. The Young & Co. study (op. cit.) notes the average age of fathers was 30 years (p. 31).

New England states and New York; (v) all other states in the U.S.; (vi) Portugal, Azores, Cape Verdes Islands, other Portuguese Dominions; (vii) Puerto Rico; (viii) Canada; (ix) other non-U.S. countries.¹ 51% of fathers participating in the New Bedford IV-D program were born in New Bedford, another 22% were born in local counties adjacent to New Bedford, and 3% were born in other regions of the state. 4% of fathers were born in other New England states or in New York, 7% in other states of the U. S. In total, 87% of fathers in the New Bedford IV-D program were born in the United States. These figures are directly proportional to the numbers of native and foreign-born fathers in the New Bedford region as a whole,² and show no over-representation of Portuguese among IV-D fathers. 7% of fathers in the study file were born in Portugal or in Portuguese dominions, another 4% in Puerto Rico. Other non-U.S. birthplaces accounted for just 1% of cases on the New Bedford study file. To summarize, there were 3% fewer foreign-born fathers in the New Bedford IV-D study file than in the overall New Bedford population.

We also calculated the number of AFDC families associated with any particular father in the New Bedford program, together with the total number of children on AFDC of which he was the father. In 94% of all cases, the father had just one family dependent on AFDC in the New Bedford region.

1. Very few cases were expected in the last two categories, but they were included for sake of completeness.

2. The Young & Co. study (op.cit.) reported a clear pattern of minority over-representation among IV-D fathers in California (p.31), but the New Bedford data suggests quite the reverse. 15% of the New Bedford population was foreign-born in 1970, while only 11% of IV-D fathers were foreign born. Less than 2% of the local New Bedford population in 1970 was black American. We have no statistics on black representation in the IV-D program.

In 5% of cases, the father had two families on AFDC in New Bedford. In a little over 1% of cases, the father had more than two families dependent on AFDC.¹ The average number of AFDC children of fathers in the IV-D program was 2.3. This includes children of second (and more) families of fathers. When we look at each single family on the study file,² this average drops to 2.2, somewhat lower than for Massachusetts state in 1970 (2.4) and substantially lower than the 1970 average for New Bedford (3.4 children per family). In 6% of IV-D families, the mother was caring for children of the father by a previous marriage or alliance in addition to their own children. If any children of the mother's by a former alliance or marriage existed, and were included in her AFDC family grant, a separate IV-D (enforcement) case would be established for the second father. Thus, the mother may be represented in more than one case on the study file, if that second father was in the New Bedford IV-D program and information for the case was complete. Similarly, fathers with second families receiving AFDC assistance in the New Bedford region would also appear twice on the study file if data on the second family was complete. Fathers were represented in more than one study file case in approximately 5% of all cases.³ The ages of children ranged from less than one to 18 years of age,⁴ although a mother could receive a grant if pregnant to cover costs of delivery.

1. Recall that these statistics do not include AFDC-dependent families of fathers in the New Bedford IV-D program who are living in other regions of the state, or out-of-state. Only 2% of cases involved URESA (out-of-state) enforcement.

2. i.e. where the parents are the same for all children in the family. The maximum number of children in a family on the study file was eight.

3. Since IV-D study file cases were listed by fathers paying support, we did not calculate similar percentages of multiple representation by mothers.

4. The average age of children on the study file was 10 years.

Marital History

We also constructed complete marital histories of parents in the study file. Although comparable data was not available for the fathers, we could obtain data on all prior and later alliances, marriages, and re-marriages of the mother to men other than the father of the children in a particular case.¹ Each marital status change is recorded by date and type of change. All dates, with one exception,² are listed by month and year. Marital status types are as follows: (i) the mother is single; (ii) the mother was married, but not to the father at the time of the child's birth; (iii) the parents are married; (iv) the parents are separated; (v) legally separated; (vi) divorced; (vii) the parents have reconciled; (viii) the mother married a man other than the father of the child subsequent to the birth of the child; (ix) the mother married the father of the child after she gave birth to the child; and (x) the parents underwent multiple separations and reconciliations. All entries for a particular case were then ordered chronologically to provide a history of marital changes experienced by the couple. In the case of single mothers, we assigned the date of the birth of their first child to the coded entry. Where a mother applied for AFDC during her pregnancy, and subsequently married prior to delivery, we assigned the date of her conception (month and year) to her first marital status (i.e. single). Note that

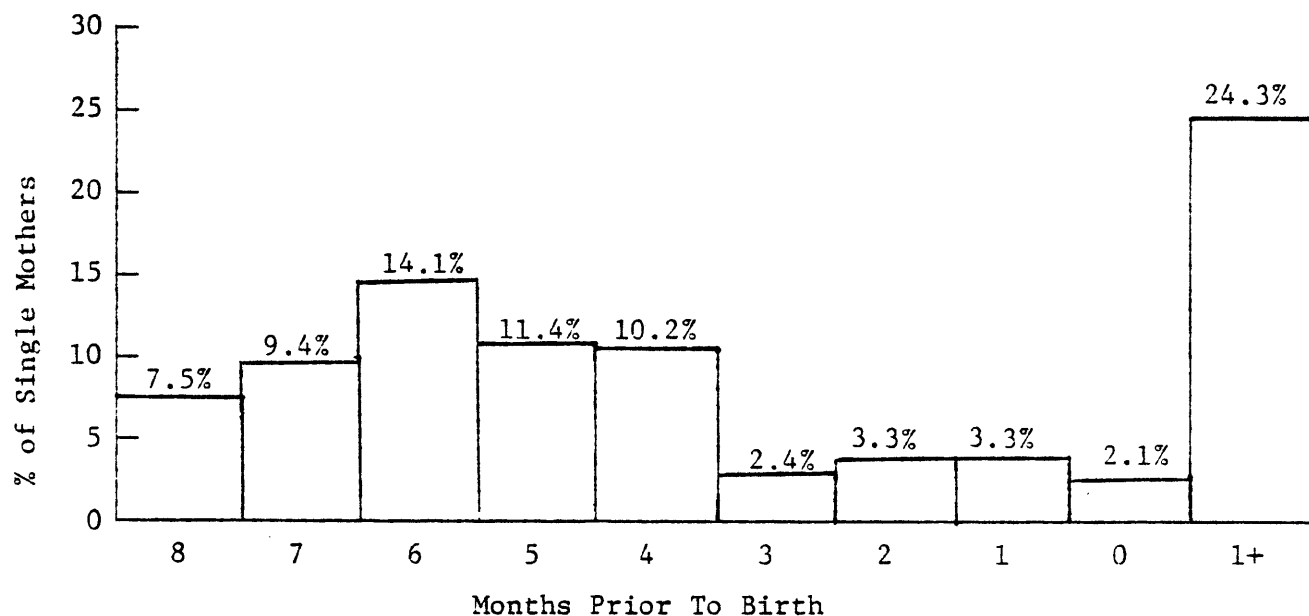
1. The reason for this is that changes in the mother's marital status often directly affect her AFDC status. If, for example, she re-marries, her AFDC grant almost invariably terminates. Since the IV-D file on a father closes simultaneously with the closure of the AFDC cases (except in arrears cases), the IV-D unit closely monitors changes in the mother's AFDC status. The unit also monitors all changes in her grant level, because her grant will also be terminated if the father's support payments should exceed her AFDC grant level.

2. In the case of parents who had multiple separations and reconciliations (22% of all parents), we avoided the problems of exceptionally long records by assigning a separate code to these couples followed by two years marking the period during which these marital changes occurred. The multiple separation/reconciliation code was always followed by a final code indicating the most recent status of the couple (e.g. separated or reconciled).

mothers who were married to a man other than the father at the time of the child's birth would be separated from that husband at that date in order to be eligible for AFDC assistance for herself and the child.

49% of mothers on the New Bedford study file were single at the time of their conception.¹ 5.3% would remain single throughout the study period, but fully 42.3% married the father of the child either during the pregnancy months, or some time thereafter.² Figure IV-e provides a histogram of marriages which occurred post-conception. Although, as we saw from

FIGURE IV-e. POST-CONCEPTION MARRIAGES IN NEW BEDFORD, MASSACHUSETTS



1. In 1977, 17% of all New Bedford births were to mothers under 20 years of age, while 13% of New Bedford births involved unmarried parents (either unmarried, or married to another person).

2. Only four single mothers (1.2%) later married a man who was not the father of the child. At the birth of the child, 17.1% of all mothers were single, but this would drop to 5.3% as many mothers later married the father of their child.

the statistics presented in Table III-2 of Chapter III, the number of mothers with illegitimate children on AFDC has risen substantially,¹ at least in New Bedford we have found that a high proportion of such births are followed by the marriage of the parents. A majority of these marriages tend to occur prior to the birth of the child, so that the AFDC case is not listed as an illegitimacy unless the mother applied for benefits prior to the marriage. Few marriages occurred close to the time of the birth. Most occurred between four and seven months prior to delivery, although 24% of single mothers married at some time after the birth of the child. To summarize, there seems a clear trend toward formal marriage alliances among the parents in the New Bedford sample. The percentage of mothers remaining single throughout the study period (5.3%) is substantially lower than expected, given national, state, and even regional statistics for unwed mothers. The number of cases for which the IV-D worker needs an affidavit of paternity² is relatively low.

The higher preference of the New Bedford couples for formal status changes (marriage, divorce, and legal separation) is further evidenced by the proportion of cases involving formal marital dissolutions (43.8). From Table III-2 of Chapter III, we found that between 1961 and 1973 the percentage of AFDC-dependent families involving formal court dissolutions in the

1. Between 1961 and 1973, the percentage of AFDC dependent families involving illegitimate children rose from 21.3% to 34.7%. This may not represent an absolute rise in birth rates to unwed parents. Another reason for the increase may have been a change in AFDC policies regarding the eligibility of unwed mothers for benefits.

2. In order to ensure the child's rights to support and inheritance. A low percentage of mothers not married to the father of their child were single but later married another man (1.2%). Of mothers who were married at the time of the child's birth (80.9%) about 2.2% were married to a man other than the child's father, close to half of whom divorced their husbands and later married the father of the child.

United States rose, from 13.7% to 22.1%.¹

On the other hand, informal separations and desertions² among AFDC couples in the U. S. fell between 1961 and 1973, from 26.8% to 23.6%. In the New Bedford file, 50.9% of all cases involved informal marital separations. A large percentage of separated couples would later reconcile (45.9%). 22.5% of couples underwent multiple separations and reconciliations. These separations and reconciliations cannot be interpreted in the strict marital sense. A "separation" does not necessarily mean a total breakdown in the parental relationship, just as a "reconciliation" may not refer to the patching up of marital difficulties. The problem is more complicated. These terms are used to describe in the simplest terms a variety of marital states and some choices which are not marital-based at all. These categories were developed under the AFDC program as one means of determining the family's eligibility for assistance, and whether the father was, or was not, in the home and therefore a potential case for support enforcement.

However, if the family is destitute, the couple may need to "separate" in order to qualify for assistance. No doubt financial insecurity and poverty affect marital relationships, but the high turnover of AFDC cases appears closely related to IV-D enforcement suggesting that there may be other reasons than marital breakdown for "separation" by poor couples. Separations

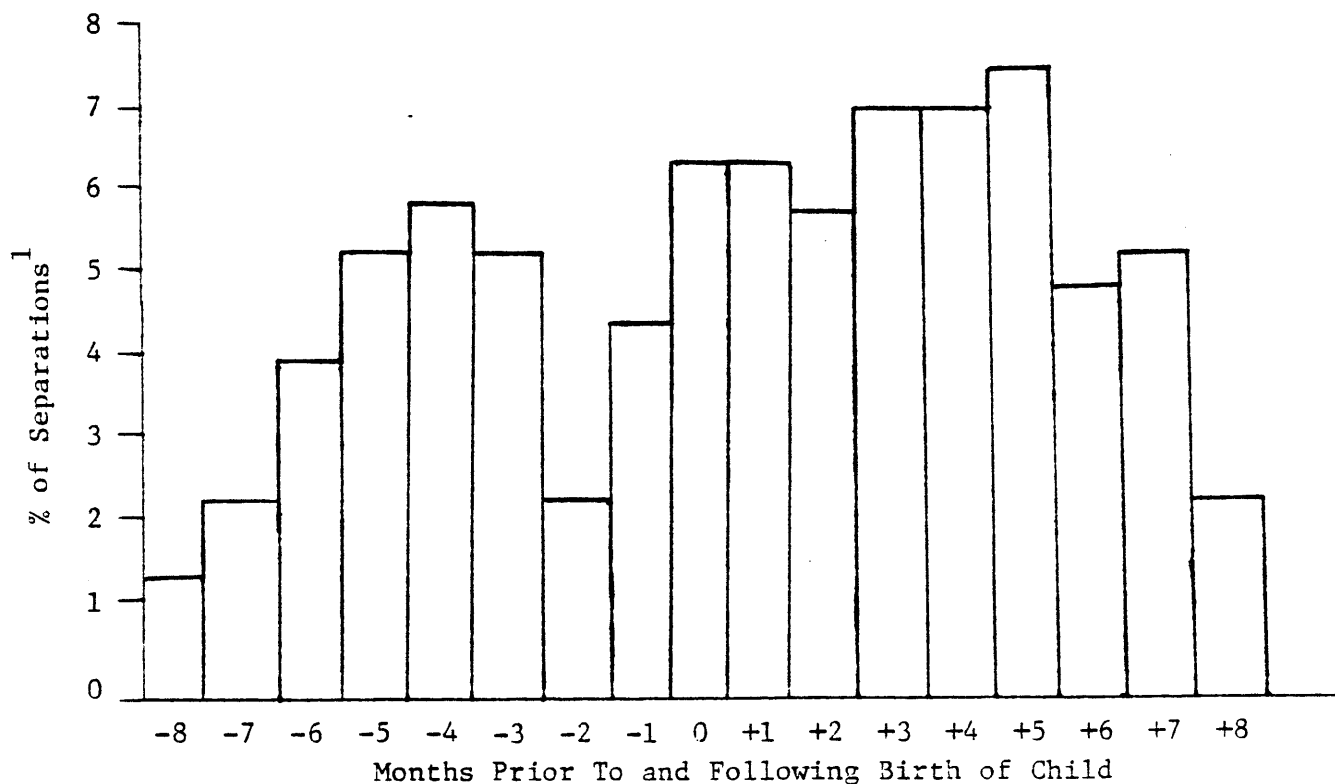
1. The New Bedford statistics approximate those in the California study, where one half of the marriages resulted in divorce. Taken as a percentage of all marriages, divorces among couples in the New Bedford file was 46.6%.

2. The issue of family instability as it relates to child support enforcement is discussed at greater length in Section E of Chapter V. It is important to note that the statistics provided by HEW and the New Bedford files do not allow us to distinguish between mutual separation and desertion. Far more important than identifying fathers by their marital status is to distinguish by level of nonsupport, a task which we attempt on a small scale in Section C of Chapter V.

are regarded by IV-D staff as primarily a matter of economics. Couples tend to separate as the father undertakes a job search, or in order that the family become eligible for public assistance. In Section E of Chapter V, we show that 29% of all New Bedford couples effected a reconciliation during the study period. We then produce evidence suggesting that enforcement may be related to marital status changes.

Marital change appear to be related also to events which are not primarily economic. In Figure IV-6, we show that separations tend to peak within the three to eight month period prior to, and after, the birth of children, with a majority (about two-thirds) occurring after the birth.

FIGURE IV-6. MARITAL SEPARATIONS AND THE BIRTH OF CHILDREN



1. The trend may not be significant given the relatively low number of cases in each category ($n = 230$). Cases which fell into the nine to twelve month period prior to and after the birth of a child were not included in this graph.

We cannot make inferences from this data about the causes of marital separation, although it appears that separations may be related to family growth. Various other factors are involved in the decision to separate. For example, we might also have attempted to relate unemployment, or welfare dependency, of the father to marital separations. However, employment dates from the study file were too imprecise for this analysis.¹

AFDC History of the Family

We also constructed complete AFDC histories for each of the 682 families on the New Bedford study file. We had recorded each AFDC case opening (or entry) and case closure (or exit) for each family, together with the date (month and year)² and reason for the AFDC status change. Where several reasons for a single status change were recorded, each was entered with the same date. All AFDC status changes, up to a possible total of twelve such changes per case were then ordered chronologically. In less than 1% of cases, the family entered and exited from AFDC within the same month of the same year. Some adjustment was needed to preserve the chronological integrity of these records. A detailed description of the adjustment method used is provided in Appendix D.

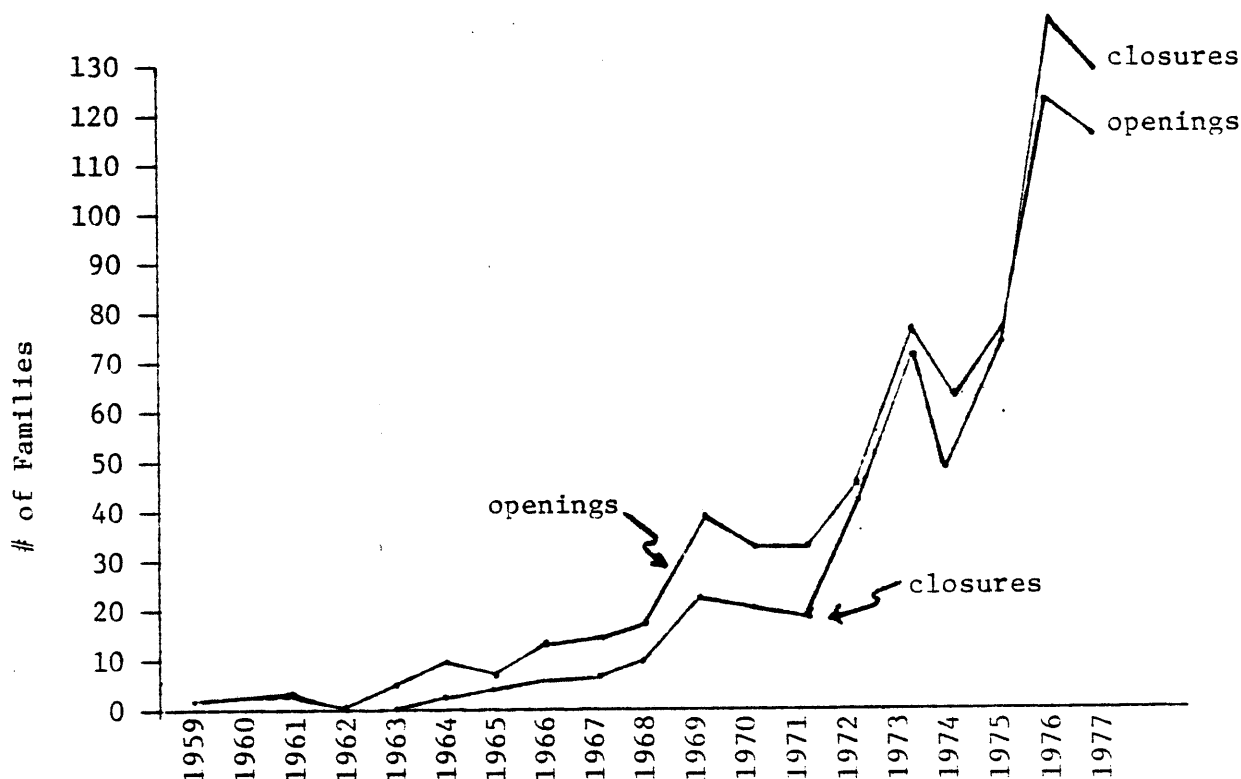
In the New Bedford sample of families on AFDC, we observed a pattern

1. We were unable to obtain information on the duration of employment or unemployment for New Bedford fathers in the IV-D program. Full wage reports were compiled only at those times when a court order for support was being established. In the absence of accurate dates, we assigned the date of the enforcement action to each employment entry in a father's record.

2. As in the case of marital histories, there was one exception to this rule. A special code was assigned to cases in which a couple had repeatedly separated and reconciled, where the family underwent multiple AFDC entries and exits. In these cases, comprising 22.4% of all cases on the file, we recorded instead the two years marking the period of multiple AFDC moves. This avoided computing problems associated with records of substantially greater length than all others on the study file.

a high turnover. Cases with highest levels of activity (i.e. entries and exits) show their highest activity in more recent years, particularly since 1975.¹ However, plotting the numbers of families which entered and exited AFDC reveals that the ratio of case openings to case closures is roughly the same for the years between 1959 and 1977. This is presented in Figure IV-g below.² The data applies only to the first two status changes of cases in

FIGURE IV-g. AFDC/IV-D CASE OPENINGS AND CLOSURES



1. The late 1970s marked a period of substantial increase in the Child Support Enforcement Program in Massachusetts. The impact of enforcement on the welfare dependency of female-headed families is examined in Section D of Chapter V.

2. Only the first AFDC case openings for families are included in this Figure. Similarly, only the first case closure occurring in each family case on the study file is included among case closures for each year. No subsequent case openings or closures for a family are included in the graph. At the close of the study period (December 31st, 1977), 77% of all AFDC/IV-D cases opened during the study period were open, while 22% were closed at that date. These percentages would vary considerably over time given the high rates of turnover among 36% of the New Bedford cases.

the study file. 50.1% of all cases in the file have remained on AFDC since the family's first application for aid. 12.6% initially were open, but subsequently closed and were not re-opened. Fully 35.6% of cases were marginal welfare families experiencing multiple case openings and closures.

Although we have assumed that AFDC and IV-D case openings and closures occur simultaneously, there are two exceptions to this rule. An AFDC case may be open, but IV-D enforcement action postponed or terminated, in those cases where a father qualifies for inclusion in the family's AFDC budget.¹ He lives in the home and is not required to pay child support. The second case involves the termination of an AFDC grant although IV-D enforcement remains in effect, as in the case of arrears owed the Department of Public Welfare.²

A full list of coded reasons for AFDC/IV-D case openings and closures is provided in Appendix C. In the following paragraphs of this subsection, we will explain briefly these reasons noting their relative frequency in the New Bedford sample. Case openings are usually provided with one of the following four reasons: (i) the couple has separated (77% of our sample); (ii) the couple has divorced, or the mother is married to a man other than the father of the child (9% of all initial case openings, and 9% of all subsequent AFDC grant applications); (iii) the mother is single (9%); or (iv) other reason. Examples of the fourth category may concern changes in the mother's status (she has lost her job or has become disabled,³ or she herself entered AFDC as a dependent child). Other reasons for case openings

1. Occurring in 2.6% of all cases on the New Bedford study file.

2. 4.3% of cases on the study file involved payments of arrears subsequent to the AFDC case closure.

3. But is not receiving Unemployment Compensation or OASDI.

may involve the child (who has returned to school, or to the home after an absence). An AFDC/IV-D case may be opened because of changes in the father's status also (he has lost his job and undertaken a job search, he has left prison or another institution, or he is no longer the recipient of a welfare grant himself, such as U.C., OASDI, G.R., etc.)¹ Finally, a case may be opened in the New Bedford office after transfer from another state welfare office. Almost 4% of all cases on the study file transferred into the New Bedford region from another area of the state.

AFDC/IV-D case closures can occur for any of the following reasons. The mother's employment, marital, or financial status has changed so that she and her children are no longer eligible for AFDC assistance. The child or children have reached majority, and the father is no longer liable for support, or have left school before reaching 18 years of age and refused to register in the WIN program.² A child may also have been taken out of the home and placed with a relative, or in an institution, or been adopted by the mother's husband. The father may also affect the family's AFDC and his own IV-D status by reconciling with the mother, by becoming eligible for inclusion in his family's AFDC grant³ so that support enforcement by the state is discontinued, or by paying support in excess of the family's AFDC grant forcing their ineligibility for continued assistance from the state.

1. Unemployment Compensation, Old Age Security and Disability Insurance, and General Relief, respectively. Although the family may continue to receive their AFDC grant, the case is closed for the purposes of child support enforcement (IV-D), 30% of New Bedford fathers fell in this category.

2. Work Incentive Program, a pre-requisite for many male children who are recipients of AFDC grants and who have left school prior to graduation.

3. 2.6% of cases on the New Bedford study file were closed for support purposes because the father was included in the family's AFDC budget.

The family may also become ineligible for AFDC, or the father for the IV-D program, if either mother, father, or child die. The case will also be closed for purposes of New Bedford AFDC grant aid or IV-D enforcement if the family transfers out to another region of the state or to an out-of-state destination (6% of all cases). Finally, a mother may be denied an AFDC grant if she refuses to cooperate with IV-D enforcement efforts.¹

A majority of AFDC/IV-D case closures in New Bedford involved the reconciliation of the parents (45.9%). Many such closures involved the same family. 28.7% of all families listed reconciliation as a reason for case closure during the study period. Three-quarters of all "reconciliation" cases subsequently re-opened for AFDC aid. Although the records generally provide only the primary reason for case closure, it is likely that most closures occurred as the result of a combination of factors. For example, many mothers in the New Bedford AFDC program are employed, and their AFDC grant is adjusted accordingly. To the extent that the grant level is reduced by the mother's wage earnings, we would expect the father's support payments to exceed the AFDC grant amount more easily in cases where the mother is employed.² In this way, secondary reasons for case closure may be equally as important in determining the family's AFDC status as primary reasons stated.

1. Reasonable grounds for refusal to cooperate are discussed more fully in Section E of Chapter III.

2. Our data on the employment of mothers in the AFDC/IV-D programs is incomplete. Welfare workers interviewed estimated that more than half of all New Bedford AFDC cases involved working mothers. The mother may herself become eligible for Unemployment Compensation, for disability or Medical Assistance (U.C., OASDI, M.A.). Where the amount of this grant exceeds the amount she and/or her family receives under AFDC, the family or mother will be transferred to the higher grant.

Employment and Earnings of Fathers

Data on the employment and earnings of fathers in the New Bedford IV-D program was obtained from wage reports. These reports are generally required for the establishment of court orders for support, although it has become common practice in the New Bedford office to include wage reports in all support files. For each case on the study file we obtained at least one report of earnings and occupation. 27% of cases had more than one wage report entry, and in 7% of all study file cases we recorded three employment status changes. Each entry contained the date at which the report was obtained, the occupation¹ of the father, and his net weekly earnings over the previous ten weeks.² Where more than one occupation and earnings status was available, entries were placed in chronological order on the study file. As noted earlier, the entries record the employment status of a father only at the time of the establishment of the support order.³ Changes in employment status were recorded only if a subsequent support order was required, or if the father had requested that his support order be modified due to a change in his financial circumstances and ability-to-pay support.

We decided to list all occupations exactly as recorded in the wage reports rather than attempting to re-code categories according to the Standard Industrial Classification scheme. We needed a coding system which would

-
1. A full list of coded occupational categories appears in Appendix C.
 2. The method of calculating the father's net weekly earnings is as follows: gross earnings per week less credit union payments deemed necessary for the father's own maintenance, health and other insurance, pension, and tax payments.
 3. We were unable to obtain complete information on the duration of employment (or unemployment) experience. Average weekly earnings of fathers who experienced more than one status change during the study period were averaged to obtain an overall average. In these cases we made the assumption that each employment status was of approximately equal duration.

include all information available, but would not exclude cases where the industry or the specific occupation of the father was not provided.¹ We did not distinguish categories by "white" or "blue collar" occupational types, nor did we attempt to aggregate categories into standard types. We did, however, create new categories where traditional ones were not available to describe the source of income, such as public assistance categories (e.g. OASDI, U.C., G.R. and so on).² For the purposes of this research, we are primarily concerned with the source of income of IV-D father, in particular whether a father was employed regularly, was seasonally employed, or was dependent for at least part of his income on public assistance.

One-third of all fathers participating in the New Bedford IV-D program were classified as marginally employed during at least some part of the study period.³ This category included all fathers who had been unemployed, as well as those who had suffered some interruption in employment and earnings. In Table IV-2, we disaggregated fathers into two categories: those employed and those marginally employed.⁴ The subcategories of marginal employment are listed in full in Table III-3. Note that the overall level of net weekly earnings of employed fathers in the New Bedford IV-D program were very low; 70% of employed fathers received less than \$150 per week, and 23% received less than \$100 per week. As we would expect, the corresponding

1. In some instances, a code may apply to just one or a few cases only. In other instances, no standard code was available (as, for example, in the case of fathers dependent on public assistance for income).

2. Old Age and Disability Insurance, Unemployment Compensation, and General Relief respectively.

3. The earliest employment record in the study file corresponds to the first support order established for a father in the IV-D program (1960).

4. Note that the unemployment rate of fathers participating in the IV-D program (30%) exceeded that of New Bedford region (7%) by 23% during the study period.

TABLE IV-2. EMPLOYED AND marginally EMPLOYED FATHERS IN NEW BEDFORD

Level of Earnings (net weekly)	Employed		Marginally Employed	
	Number	%	Number	%
\$ 0 - 75	38	8	41	20
76 - 100	72	15	53	26
101 - 125	125	26	56	28
126 - 150	105	22	30	15
151 - 175	53	11.	5	2
176 - 200	38	8	8	4
200+	41	9	9	4
TOTAL =	472	99% ^a	202	99% ^a
	(69%)		(31%)	

^a Errors due to rounding off.

TABLE IV-3. INCIDENCE OF MARGINAL EMPLOYMENT BY LEVEL OF EARNINGS.

Level of Earnings	U.C. ^a	CETA/WIN Other Public Employment	Other Welfare	Retired Pension Insurance	Seasonal Employment	Unemployed	TOTAL	%
\$ 0 - 75	7	2	0	15	8	20	52	21
76 - 100	32	7	4	5	12	6	66	26
101 - 125	34	8	3	5	19	1	70	28
126 - 150	4	13	0	2	14	1	34	13
151 - 175	1	0	1	0	8	0	10	4
176 - 200	2	0	0	0	8	0	10	4
200+	1	0	0	1	8	0	10	4
TOTAL (n=252) =	81 (32%)	30 (12%)	8 (3%)	28 (11%)	77 (31%)	28 (11%)	252 ^b	(100%)
(n=682)	(12%)	(4%)	(1%)	(4%)	(11%)	(4%)	682	(100%)

^a Unemployed, receiving compensation from DES

^b 6.7% of fathers on the study file were represented in more than one of the above categories. Adjusting for double-counting, the total number of fathers who were marginally employed or unemployed was 206 (or 30.2% of all fathers).

percentages for marginally employed fathers were even higher: 85% of marginally employed fathers received wages of less than \$150 per week, and 44% received less than \$100 per week. Employed fathers earning in excess of \$150 net per week comprised 30% of all employed fathers, while only 14% of marginally employed fathers earned more than \$150 per week.

In Table IV-3, using the same earnings categories, we further disaggregated marginally employed workers into categories by source of income.¹ We distinguished between unemployed fathers receiving compensation and those receiving no support. We also divided fathers receiving some form of public assistance into those in CETA, WIN, and other public employment jobs from those fathers receiving General Relief, OASDI, and other welfare assistance. Finally, we included fathers who were retired or receiving pension or other insurance income (e.g. hospital) and those who were seasonally employed.² With the exception of seasonal workers, almost all marginally employed fathers listed weekly earnings under \$125 net per week. Unemployed fathers received on average less than \$75 per week, while those receiving unemployment compensation generally received between \$76 and \$125 per week. Fathers participating in the CETA and WIN public employment programs tended to receive slightly higher earnings, although maximum weekly earnings for these fathers and for those on a fixed income (pension or insurance) was \$150.³ Seasonal workers

1. In constructing this Table, we measured the incidence of marginal employment rather than the number of workers in each category. In 7% of cases, fathers were represented in more than one category. Since categories are not mutually exclusive, percentage estimates of the numbers of fathers in each column are only approximate.

2. i.e. those employed in the fishing industry or in home construction and repairs.

3. Fathers on fixed incomes generally received amounts less than \$75 net per week.

received on average substantially higher earnings per week than all other workers in marginal employment subcategories. Fully 34% of seasonal workers received more than \$150 net per week.

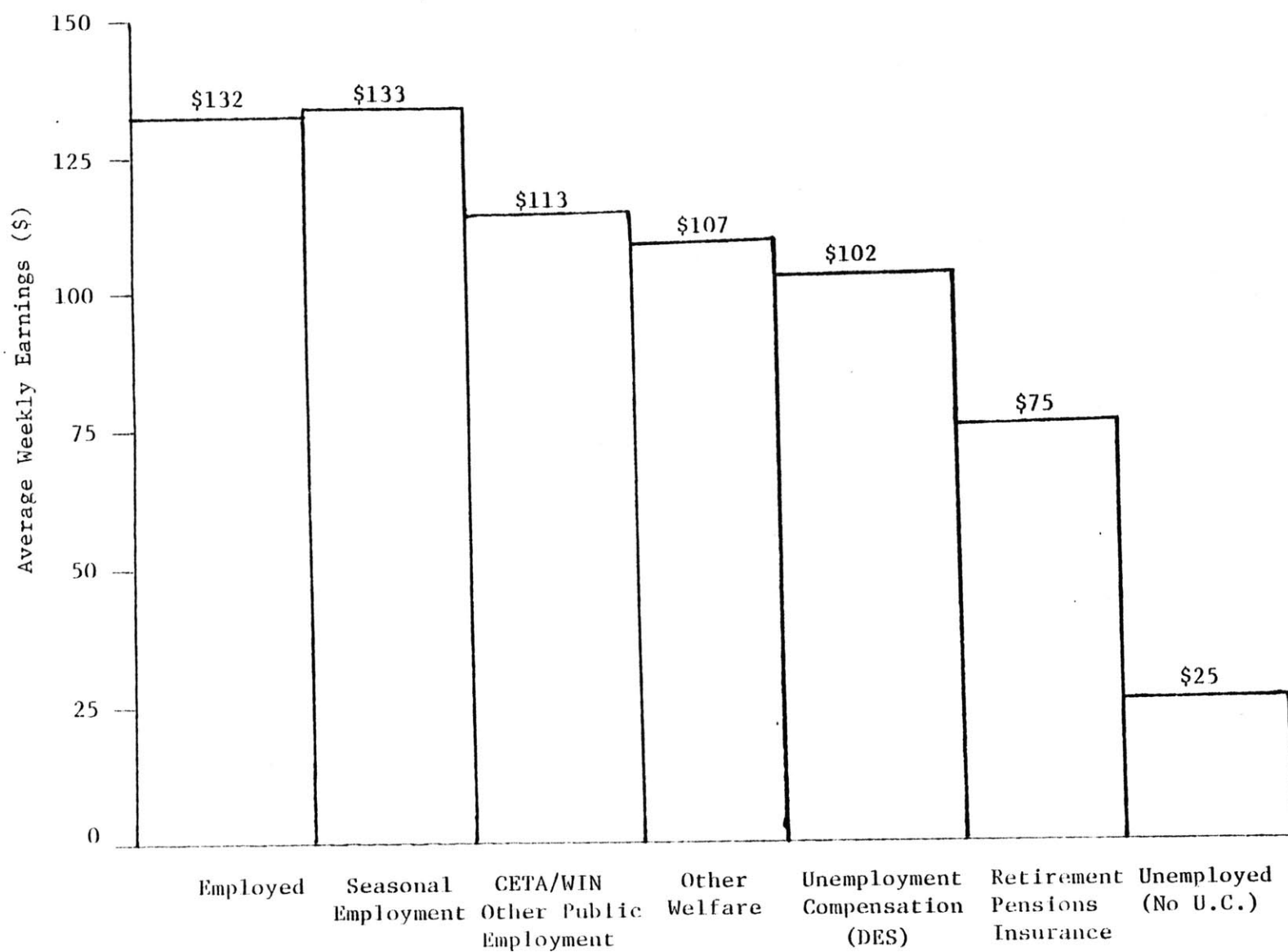
In Figure IV-h, the average weekly earnings of both employed and marginally employed workers is presented in histogram form.¹ As we might expect, the average level of earnings of unemployed fathers not receiving compensation was lowest (\$25 per week), while those on a fixed pension or other retirement income received only \$75 per week on average. Fathers receiving unemployment compensation, or participating in public employment or assistance programs received roughly equivalent weekly pay (between \$102 and \$113). It is interesting to note that on average seasonal workers in the IV-D program had weekly earnings equivalent to those of workers who were employed and who had no unemployment experience during the study period. Fully employed workers and seasonal workers both received on average \$133 net per week.² The average weekly earnings of all fathers participating in the New Bedford IV-D program was approximately \$121.³ The minimum earnings recorded in the New Bedford sample of IV-D fathers was \$26 net per week, the maximum \$973 per week. Only 9% of fathers received an amount in excess of \$200 net per week, most of whom received less than \$275.

1. We obtained averages by weighting the mid-point (dollars) of each earnings category by the number of cases in that category for each group of employed or marginally employed workers, provided in Tables IV-2 and 3.

2. Wage reports show only the primary source of a father's income. No doubt many fathers in the New Bedford program did not reveal secondary income sources fearing an upward revision of their support orders. Our estimates of average earnings presented above are therefore probably lower than actual levels. Following the recent legislation which provides for full IRS disclosure of annual income received by IV-D program fathers, we might expect substantial revisions to support orders in the future.

3. This is substantially lower than the average earnings of fathers participating in the California IV-D program in 1975, where earnings ranged between \$136 and \$179 per week (see Young & Co. study, op.cit., p. 33).

FIGURE IV-h. AVERAGE WEEKLY EARNINGS BY EMPLOYMENT STATUS AND SOURCE OF INCOME



Support Enforcement History

Finally, we constructed complete histories for each case on the study file of all support enforcement actions taken against the father. Actions were divided into both informal (verbal and voluntary agreements) and formal (probate and district court) actions. Each action taken against a father was listed by the date (month and year) and type of action.¹ We also recorded for each support enforcement action the amount of child support established under the particular order. Following each support enforcement action was provided a coded assessment of the father's payment compliance, or delinquency, subsequent to the establishment of the particular order for support. In each case, a total of five actions for support enforcement² could be recorded. Not all enforcement actions involved the establishment of a support order. Actions may also refer to the modification, or dismissal, of a prior order for support.

In 52% of all cases on the study file, a single order for support had been established. In another 32% of cases, two orders for support had been obtained. 13% of cases involved three orders for support, while the remaining 3% of cases involved four or more actions for support enforcement. Where more than one enforcement action was recorded for a particular case, entries were placed in chronological order on the study file. The earliest recorded support order or agreement on the New Bedford

1. A list of support enforcement actions is provided in Appendix C of this thesis. Support orders or agreements were aggregated into groups of formal and informal enforcement actions, described in the text below.

2. The major types of actions were as follows: (i) verbal or unsigned agreements; (ii) voluntary or signed affidavits of support and paternity; (iii) probate court actions involving both legal separations and divorce; (iv) district court actions involving criminal nonsupport cases; and (v) URESA (out-of-state reciprocal) court actions which could be either civil or criminal in nature.

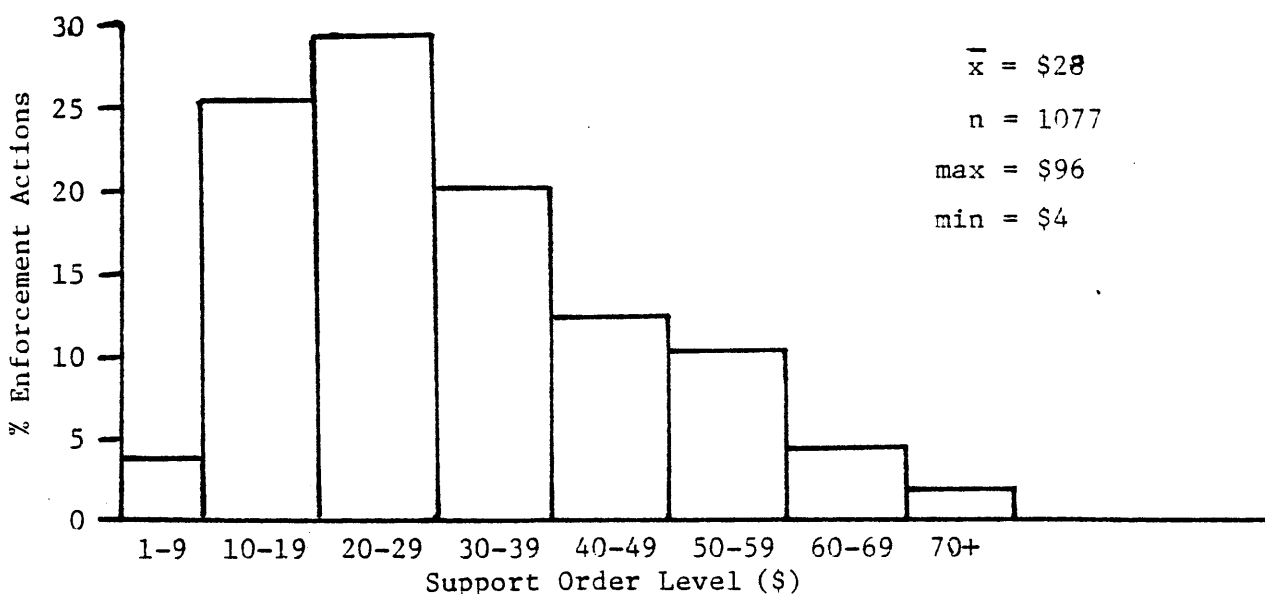
study file was in 1960. Almost two-thirds of all enforcement actions undertaken in the New Bedford IV-D office were initiated after 1972, and about one-half occurred between 1976 and 1977, the years immediately following the most recent child support enforcement legislation (P.L.93-647).

We differentiated between the various types of support enforcement action. First, we noted all verbal (unsigned) agreements to support made in New Bedford under the IV-D program. Together with all modifications and dismissal actions involving verbal agreements, verbals constituted 7% of all enforcement actions in the study file. In a second category we placed all voluntary support agreements. These were signed affidavits of paternity and agreements to support. Almost half of all support actions in New Bedford (48%) involved either the establishment, modification, or dismissal of voluntary agreements to support. A third category consisted of all probate (civil) court actions for support enforcement. 23% of support orders obtained in probate courts involved divorce actions, the remaining 5% involved legal separations. Probate court orders, modifications, and order dismissals accounted for 28% of all support actions recorded on the New Bedford study file. We also created a fourth category for enforcement actions involving criminal non-support. These district court actions, including modifications and dismissals, constituted 14% of all support actions on our study file. Finally, we made note of all out-of-state (URESAs) court actions involving the establishment of reciprocal support orders. URESA actions occasionally involved modification or dismissal of a prior order for support, but primarily referred to the establishment of a probate or district court order. This fifth

category accounted for just 3% of all support enforcement actions in New Bedford. Enforcement actions subsequent to an initial order for support usually involved either a modification of the amount of that order, or involved court action where initially the father had been under an informal agreement to support with the Welfare Department.

The average weekly dollar amount of support orders in New Bedford was low, approximately \$28 per week.¹ Averages support levels did not vary significantly between the various types of enforcement actions described above, ranging from \$27 to \$28 per week only. Excluding all support order actions resulting in a zero or unknown support amount,² we constructed a histogram of support order levels established under the New Bedford IV-D program. These are presented in Figure IV-4 below.

FIGURE IV-4. SUPPORT ORDER LEVELS ESTABLISHED IN NEW BEDFORD, MASSACHUSETTS



1. The lowest order established during the study period under the New Bedford IV-D program was \$4 per week, the highest \$96.

2. Order amounts which were unknown were coded accordingly ("999"). Enforcement actions involving the dismissal of a prior support order, or in which the court did not establish any support order (for example, divorce actions for "care and custody only"), were assigned a support order level of \$0 per week.

Following each support enforcement order was a code indicating the level of compliance by the father with that particular order for support. Recording every payment made by a father in compliance with an order, together with the date of each payment, would have been cost-prohibitive. Instead, we viewed the father's entire payments record following each order and recorded his compliance or delinquency in a single code. If there occurred any changes in the father's level of compliance, such changes would also be identified¹ and entered in the record of payments following the particular order. Support compliance was ranked in the following way:

(1) fathers who paid regularly the total amount of their support order; (2) fathers who paid regular support amounts which were less than levels established in the support order;² (3) fathers who paid support irregularly, or who paid amounts considerably less than³ required under the support order; and (4) fathers who never paid any support after an order had been established. We found that in the first and last categories there were fathers who exhibited a sudden reversal in their payment response to an order. We therefore created two further categories: (5) fathers who paid regularly the full amount of their support order for some period, then became delinquent; and conversely, (6) fathers who did not pay any support immediately following the establishment of a support order, but who later began to pay support.⁴ In all cases where a father stopped paying support,

1. Up to a total possible three changes in payments per support order.

2. We assigned to this category those fathers who paid on average an amount that was between 50% and 85% of the original order amount.

3. This category applied to those fathers who paid less than 50% of their support order amount.

4. In Chapter V, we devised a scheme for weighting these various payment responses of fathers in order to approximate payment levels as a percentage of order levels. This scheme is described fully in Section C of Chapter V.

we also entered the date (month and year) of the father's last payment under the particular order.¹

We obtained breakdowns of the compliance response of fathers to their first, and all subsequent, orders for support. The results are summarized below. Approximately 50% of fathers responded by paying regularly the full amount of the order. Another 20% of fathers paid regularly an amount less than the amount established in the support order, at least initially. About 18% of fathers never paid support under orders established by the IV-D unit. Few fathers showed an improvement in payment compliance levels over time. Most payment level changes recorded after a particular support order showed increased delinquency.² About 25% of fathers stopped paying support altogether. In Section C of Chapter V, we examine more closely the payment responses of fathers of different earnings levels to alternate modes of enforcement, viz. to various types of orders, both court and non-court, and to various levels of enforcement and monitoring.

Where a father had defaulted on support payments established under a court order for support, he may be held in contempt and be required to pay arrearages to the Welfare Department. These may be paid in bulk or in increments which are added to the father's weekly support amount. Many fathers on the study file were paying arrears to the Department, but not all were identified. However, where the amount established as arrearage

1. These cases were carefully checked to determine whether payment termination was valid (i.e. whether the father had stopped payments to the Welfare Department because his family's AFDC case had been closed, or because his order had been temporarily suspended due to a change in his financial circumstances). Where no valid reason was found, the father was assumed to be delinquent in child support.

2. This may be due in part to inadequate monitoring of cases (viz. only three support workers are responsible for monitoring about 2,300 child support cases under the New Bedford IV-D program).

had not been paid prior to the family's exit from AFDC, the IV-D file on the father remained open for arrears only.¹ In all cases involving the payment of arrears subsequent to the termination of the family's AFDC grant, we recorded the total arrears due, the date (month and year) of the establishment of arrearage by the court, and whether the father paid in bulk or in increments. We also recorded the dismissal of arrears orders where applicable, including the information listed above and the date of final payment by the father.

Finally, we entered on each record in the study file the child support payments status of the father as of December, 1977.² If a case was open at that date, we noted whether the father was non-delinquent, had never paid support under his current order, or had stopped payments. Where a father had been compliant under a prior order for support, but had become delinquent under his current order, we entered a separate code. We also noted where the reverse was true (i.e. the father had not paid until the current order was established). We also noted whether an arrears order was in effect as of December, 1977, or whether an arrears order had been dismissed. We adopted similar procedures in assigning codes to cases which were closed. Where the father stopped payments prior to the closure of the AFDC case, we assumed support delinquency prior to case closure.

1. In all such cases, it was necessary for the Welfare Department to establish in court the amount of arrears due prior to the termination of the family's AFDC grant.

2. A full list of all coded payments status entries appears in Appendix C.

CHAPTER VCHILD SUPPORT ENFORCEMENT AND WELFARE DEPENDENCY

A. INTRODUCTION

In this Chapter we examine the impact of child support enforcement on the welfare dependency of female-headed families in the New Bedford region of Massachusetts. There are two major ways in which welfare (AFDC) dependency may be affected by the enforcement of child support: (i) directly, that is, the amount of child support collected exceeds the family's AFDC grant amount, thereby forcing their ineligibility for continued assistance; and (ii) indirectly, by discouraging marginal welfare families from applying for AFDC grants. We will examine the reasons why few families achieve welfare independence directly, through paternal support payments in excess of the AFDC grant. We will also examine what appears to be a strong discouragement effect associated with support enforcement, particularly among couples who may have separated in order to become eligible for welfare benefits. One-third of all cases on the study file were closed due to the reconciliation of the couple. We will argue that the enforcement of support results in lower net welfare benefits to those families who have separated in order to become eligible for AFDC family grants. That these couples are unable to maintain themselves once "reconciled" is evidenced by the fact that fully 78% of reconciled couples later separate. Although some couples

may be encouraged to "reconcile" and forego welfare assistance following paternal support enforcement measures, a majority of these otherwise intact¹ families appear to need at least temporary assistance at some point in the future. There was also some indication that couples who had frequently separated and reconciled prior to enforcement action against the father remained separated subsequent to the first such action taken by the IV-D unit. These results suggest a second, quite different, impact of the IV-D program: an encouragement toward final separation among marginal welfare families.

The Goal of Welfare Independence

A basic premise of this research is that there is nothing automatically redeeming about the goal of welfare independence. From the point of view of the family, the attainment of welfare independence does not bring long-term economic security. The pattern of dependency on a paternal provider (viz. the state, husband, father) does not change with welfare status. We use 'welfare independence' in this research, not as a measure of legislative success, but to illustrate the limited view of child support enforcement, parental support obligations, and support rights of children currently fostered in Massachusetts under the state's IV-D program.²

1. We assume that couples who continually separate and reconcile do so primarily for economic reasons, viz. in order to become eligible for welfare benefits or while the father undertakes employment search. The decision to reconcile may occur as a result of enforcement action against the father or because either spouse has found employment. Reconciliations occurring immediately after an enforcement initiative are assumed to be in response to the perceived reduction in net welfare benefits by the otherwise intact couple.

2. The subordination of support rights of children to state rights to recover welfare costs is evidenced by the recent pronouncements of Governor Edward J. King of Massachusetts who has characterized the IV-D program as a "\$130 million welfare debt owed by fathers of families on AFDC" (Boston Sunday Globe 3/4/79, pp. 1, 12).

Two basic assumptions underlie the goal of welfare independence. The first is that welfare independence measures some absolute level of economic achievement for the family, a level which may be readily identified in dollar terms. Instead, the goal of welfare independence is both relative and variable. The average AFDC grant level for a family with two dependents during 1976 was approximately \$272 per month in Massachusetts, but only \$86 per month during the same year in Texas. Cost-of-living differences between the two states could not account for this substantial difference in AFDC grant levels. In order for a family to become welfare independent through the IV-D enforcement program, the father's support payments must exceed the family's AFDC grant level. This will occur most easily where:

- (a) the AFDC grant level of the family is relatively low (determined by state welfare policies governing benefit levels, as well as by the relative availability of alternate sources of income for the family, such as the mother's earnings); and where
- (b) the father himself can afford to pay support levels commensurate with his family's AFDC grant level.

In states with large welfare populations, such as in Massachusetts, AFDC cases are subject to frequent monitoring and grant level reviews so that adjustments are continually being made to the family's AFDC grant. As the family's grant level changes, so too does the relative importance of paternal support payments in determining the future welfare status of the family.

We would expect paternal support payments to more easily exceed AFDC grant levels in states with low relative benefit levels, and vice versa. We would also expect the impact of paternal support payments on family welfare status to be relatively low in depressed regions, those with low income and high unemployment levels. In the New Bedford region, the AFDC grant levels of families are among the highest in the nation, while the ability of fathers

to pay support is very low. In sum, the impact of the IV-D program with respect to welfare independence will vary substantially by state, region, and individual circumstances. It is important to recognize this fact as we evaluate the welfare rollback effects of the Child Support Enforcement Program in the New Bedford region.¹

The second basic assumption underlying the goal of welfare independence is that the welfare-independent family is, by definition, self-sustaining upon termination of its welfare grant. Aside from the fact that each state has developed its own standards of what constitutes "reasonable" and "adequate" family support,² there is also the fact that, even if adequate, there is no guarantee of continuing economic support to the family. For example, in Massachusetts, state enforcement services are withdrawn immediately following the termination of the family's AFDC grant. In the event of later paternal delinquency, the non-welfare family must rely on costly private enforcement through the courts. If, as in the case of Massachusetts, the courts are not reimbursed for administrative costs incurred in the pursuit of payments for non-welfare families, there is little incentive for diligent enforcement in these cases. Rates of recidivism are known to be high among fathers participating in the IV-D program, particularly when the state is no longer involved in the enforcement process. High rates of unemployment in

1. In the 1979 Annual Report of the Office of Child Support Enforcement, it was reported that 19,000 from 29 states had been made ineligible for continued public (AFDC) assistance as a direct result of the enforcement of child support payments from delinquent fathers (Washington Post 2/12/79, p. 5; cf. Boston Globe 2/12/79). Greatest welfare rollbacks were recorded by states with relatively low AFDC grant benefit levels. We might also find highest representation of rollback cases in regions with low unemployment and high income levels.

2. A poor family receiving AFDC in Massachusetts may not be judged eligible for public assistance in some other state (for example, Texas) where AFDC benefit levels are low. Similarly, family laws governing the amount of "reasonable" support required from a father vary in each state.

low income regions of the state reduce the ability, and willingness, of fathers to pay support. Local employment opportunities will also determine whether the mother of a non-welfare family may earn sufficient wages to maintain her family following the termination of the AFDC grant. The notion that 'welfare independence' marks the entry of the family into a new level of economic security may be groundless. The high turnover rates associated with AFDC families in general give lie to this interpretation, or at least suggest that self-sufficiency is temporary.¹ The indeterminacy of paternal support, and remedy for nonsupport, for the non-welfare family serve to further weaken the notion of 'welfare independence' as an appropriate goal of the Child Support Enforcement Program. In general, welfare independence is short-lived for families of fathers participating in the IV-D program.

Research Summary

Almost without exception, the AFDC grant to families in the New Bedford region exceed child support payment levels by such a wide margin that few families are made ineligible for welfare assistance by means of direct payments. We identified three factors which could contribute to a reduction in the support amount. The level of support paid by fathers is determined

1. Michael J. Boskin and Frederick C. Nold, "A Markov Model of Turnover in Aid To Families With Dependent Children", J. Human Resources, vol. X, no. 4 (1975) pp. 467-481.

primarily by: (i) the willingness of IV-D workers and court judges to adhere to HEW national support guidelines based on family size and level of income; (ii) the ability of fathers to pay support commensurate with HEW guideline levels; and (iii) the willingness of fathers participating in the program to pay support. In the following Sections B and C of this Chapter, we measure the relative impact of each of these factors in reducing support levels. In Section B, we present support order levels established in New Bedford, measured as a proportion of paternal earnings, noting the difference between HEW levels and order levels for fathers with varying numbers of dependants and levels and earnings. In Section C, we examine the support payment levels of fathers in the New Bedford IV-D program, noting discrepancies with support order levels established for fathers of various earnings levels and family size. Throughout the analyses we have assumed that the support order levels established by IV-D and the courts are commensurate with at least minimum ability-to-pay on the part of program participants. Particular attention is drawn to the regressive application of HEW support guidelines, requiring excessive support from fathers with demonstrated low ability-to-pay, while favoring fathers with relatively high earnings.

Assuming that support orders levels describe minimal payment ability, support payment levels will then indicate the compliance of fathers with those orders. Discrepancies observed between support order and support payment levels will similarly describe the level of paternal support delinquency. Preliminary analysis of the data suggested that ability-to-pay support was severely reduced by unemployment experience, particularly among low-earning fathers. On the other hand, it appeared that willingness-to-comply with a support order was independent of level of earnings, or ability-to-comply. A primary assumption of previous studies of child support enforcement has been that the strict application of enforcement measures would result in

full compliance and non-delinquent behavior in the future. Consequently, most studies of child support enforcement have concentrated on the development of appropriate support standards¹ together with administrative structures, mechanisms, and procedures for the most cost-effective enforcement of these standards.² However, we know very little about the determinants of delinquent behavior. Preliminary analysis has suggested that willingness-to-pay may be even more important than ability-to-pay in determining the future welfare status of AFDC families.

In order to illuminate some of the factors associated with support delinquency, we will ask several questions. First, does delinquency behavior vary with mode of enforcement? That is, do fathers paying support under informal, voluntary and verbal agreements tend to be more delinquent, while those under court orders for support, both civil and criminal, tend to be more compliant? We will also ask whether fathers change their support behavior following a change in the mode of enforcement (i.e. from non-court to court and vice versa). Second, does delinquency behavior vary with level of enforcement? That is, do fathers tend to pay less than the full amount of support under original orders/agreements, responding to subsequent enforcement actions by becoming progressively more compliant? Or is the reverse

1. For example, Isabel V. Sawhill, "Developing Normative Standards For Child Support and Alimony Payments", The Urban Institute (February 1977); Community Council of Greater New York, "Guide For Determining Child Support Payments From An Absent Parent", OSCE Report, Section 1110 (April 1977); Arthur Young & Co., "Developing State Standards For Child Support Legislation", OCSE Report, Section 1110 (1974). OCSE also plans to fund a study during 1979 entitled "Determinants in Setting the Amount of Child Support Obligations".

2. For example, Arthur Young & Co., "Cost-Benefit Analysis of Absent Parent Support", SRS Report 74-56 (December 1975); New York State Department of Social Services, "Cost-Effectiveness of Enforcing Title IV-D Related Family Court Support Warrants", OCSE Report, Section 1110 (September 1978).

true, that fathers become progressively more delinquent with subsequent enforcement?

In Section D, we summarize our findings concerning the direct impact of support payments on the welfare status of female-headed families (FHF's) in the New Bedford region, comparing the results obtained in Massachusetts with the expected results in other states with relatively low AFDC benefit levels assuming comparable court practices and sample of fathers. We then project the expected impact of the IV-D program on welfare dependency assuming a strict adherence by the courts to HEW support guidelines and full compliance by fathers with support orders established.

In Section E, we examine the indirect effects of the IV-D program in terms of discouraging welfare dependency among marginal welfare families. The incidence of "instant reconciliations" following initial enforcement actions will be recorded, together with rates of re-separation among those couples who do reconcile. The New Bedford sample will then be subdivided into two groups: families which have not had their AFDC grants terminated at any time during the study period (so-called "hard-core" welfare dependent families), and those families which have undergone several AFDC case openings and closures due to multiple "separations" and "reconciliations" by the parents (or marginal welfare families). The support order and payment levels of both groups will then be compared to test for significant differences which might account for their relative dependency on welfare assistance. We also ask whether a higher proportion of fathers associated with hard-core AFDC cases have been unemployed or marginally employed during the study period. The implications of our results for family structure among couples participating in the IV-D program will then be discussed.

B. CHILD SUPPORT ORDERS ESTABLISHED IN NEW BEDFORD, MASSACHUSETTS

Ability-To-Pay

In this Section, we examine support levels established in the New Bedford region by IV-D workers and the courts.¹ We assume that support levels established by IV-D personnel and court judges are commensurate with at least minimum ability-to-pay. We also assume that where there is evidence of inability-to-pay, both IV-D and the courts will respond by modifying an earlier support order.² Thus, where discrepancies exist between HEW and support order levels, we conclude that IV-D and the courts are unwilling to adhere to HEW standards for support.³

Support Enforcement in the Courts

We do not distinguish in this analysis between informal (verbal and voluntary) and court orders for support. However, based on the fact that IV-D workers are generally successful in establishing support at levels closely approximating HEW guidelines, taking to court those fathers refusing to pay full support, we would expect major discrepancies observed between HEW and support order levels to be attributable to laxity in court enforcement. There is considerable evidence suggesting that judges may be reluctant to apply the full force of the available law against nonsupporting fathers.

1. IV-D unit workers establish both verbal and voluntary agreements. They also recommend levels of child support to the judges in both probate and district courts.

2. Both assumptions appear to be justified by the fact that many low-earning fathers manage to pay up to, and even exceed, support levels recommended by HEW.

3. Such a conclusion would be particularly justifiable in the event that there appeared to be some pattern of lax enforcement of support.

Although we did not examine specifically the New Bedford court system, it is useful to point out here some of the problems that have been traditionally associated with the enforcement of support obligations in the courts. In the past, when the family was not represented by the state agency for Child Support Enforcement in court,¹ the mother could face high enforcement costs,² while overcrowded courts and the low priority assigned enforcement cases could result in delays which favored the nonsupporting father. The reluctance of many judges to use the full panoply of remedies available for insuring regular support (viz. garnishment of wages, security binds, and weekend sentencing) very often necessitates repeated investments in legal actions by the mother. Moreover, as pointed out by Blank and Rone,

"the attitude of the predominantly male judiciary...is one that presumes the obligor will comply with the court's order of support [encouraging defaults as the court allows the obligor one, or more than one, more chance]... There is [also] the fear that obligors will flee the jurisdiction or cease being productive members of society if harsh remedies...[or full support obligations] are used. The attitude of many male judges is that alimony and child support awards are punitive [rather than rights to be exercised by children and spouses]."3

Finally, in bringing an action for the collection of arrears owed under a prior order for support, there is no assurance that the father will not apply for, and receive, a retroactive reduction of his support order.⁴

1. As is the case for all non-welfare families in Massachusetts at present.

2. In a study of Connecticut courts, it was found that the average cost of private enforcement was \$750, and even then the chances of successful collection were low (Cox Spaulding, op.cit.). However, the attorney's fee for an enforcement action can run into several thousands of dollars (Blank and Rone, op.cit., p.14, note 14).

3. Blank and Rone, op.cit., p.14.

4. In only a few states does the right to each support payment vest as it becomes due, so that no retroactive modification is possible (Ibid.).

In a study of court enforcement in Massachusetts,¹ it was found that roughly half the appeals against prison sentences resulting from nonsupport convictions were successful. In almost two-thirds of all county courts, criminal nonsupport was prosecuted at lower rates than other crimes,² even though it ranked fifth out of twenty-five in order of frequency of prosecution.³ Similarly, in Connecticut it was found that while 80% of court workload was associated with family matters, only 20% of judges were assigned to these cases.⁴ Moreover, nonsupport matters outnumbered divorce cases by four to one. The chances of successful collection in nonsupport cases are ~~low~~. ~~In-state~~ collection chances were about 60%, taking approximately one year to accomplish. ~~Out-of-state~~ collections took on average two and a half years to process, with only a 30% chance of obtaining just one payment.⁵ Until the passage of P.L.93-647, nonsupporting fathers were treated with extreme tolerance and even sympathy by many court officials.

State involvement in the enforcement process was expected to result in higher support levels, stricter enforcement through the use of dormant legal remedies for nonsupport, and closer case monitoring. It was also assumed that traditional attitudes of many judges toward the granting of alimony and child support would be overcome through state involvement in

1. Massachusetts Advisory Council on Home and The Family, op.cit., p. 11.

2. Ibid. p.13, Table X.

3. Ibid. p.11, Table IV.

4. Cox Spaulding, op.cit., p.5.

5. Ibid.

nonsupport cases. Although traditional attitudes may be changing, several new problems have arisen with the advent of state IV-D programs.

In the absence of cooperative agreements between the state IV-D agency and various local agencies and enforcement bodies, many courts in Massachusetts are reluctant to enforce support in non-welfare cases.¹ Without the incentive of 75% reimbursement for administrative costs incurred in the pursuit of fathers associated with these clients, facilitated by cooperative agreement, there may be little change in traditional attitudes toward support enforcement. In AFDC cases, where the state IV-D agency assumes all rights to support, the action at law is between IV-D and the absent father. Recognizing that the AFDC grant of the family is in no way jeopardized by the establishment of a low order for support, and that the family receives no payments from the father, many court judges lean toward lax enforcement of support. Some judges have stated their positive opposition toward a program designed to recover welfare costs under the auspices of restoring the support rights of children. In many cases, where arrears are owed the Department of Welfare under a prior support order, judges will remit the father's debt or designate a small proportion of the existing support order as arrears payment.² Very often the process is one of bargaining with the judge and the father to assess feasible compromise in pay-

1. At the time of this writing, cooperative agreements have been drawn up between local district courts and probate courts and the IV-D agency.

2. Given that arrears can often reach thousands of dollars, and the fact that \$5 per week payments toward reduction of arrearages would take years to repay in full, we can only assume that judges are attempting to appease Welfare Department officials and enforcement workers.

ment levels.

Finally, it is important to note that there is substantial variation between courts in the Commonwealth with respect to the procedure and administration of enforcement cases, the attitude of local judges toward nonsupport, the welfare mother, IV-D court worker, and father. Foreshadowing our later findings that few AFDC families attain welfare independence solely through support enforcement efforts, little court rhetoric is devoted to the notion of advancing the support rights of the children. Considerably more attention is given to the parental support obligation, to evidence of paternal ability-to-pay support, and to the father's history of delinquent behavior. Court sympathy is rarely extended to the father with a past criminal record. On the other hand, judges still give consideration to the father who has re-married, although his primary support obligation is toward his first family. It would be unfair to state that all judges view support enforcement as punitive. Nonsupport is considered a major problem by most court personnel. But, as we have suggested is the case in Massachusetts, state involvement in the enforcement process, exclusively in the interests of state recovery of welfare costs, may only serve to further alienate court interests in support enforcement.

Paternal Support: "Appropriate" vs "Adequate"

Although we know that a majority of intact families¹ rely almost exclusively on paternal support for their maintenance, the contribution of

1. i.e. Two-parent families. Unfortunately, use of this term implies a judgement regarding the relatively benefit of single versus two-parent families, a case which has not been proved.

alternate sources of income¹ to the family budget has increased substantially in recent years. For example, maternal support, generally considered an optional source of income for the family, is often necessary to maintain a standard of living above poverty level. Since we do not have reliable estimates of the relative contribution of paternal support to the family budget, it is difficult to establish the actual dollar impact of the partial or total withdrawal of that support on the family. Similarly, any attempt to establish "appropriate" paternal support levels, based on family size and level of paternal earnings, will be subject to wide variation and interpretation. Suffice it to say that paternal support levels are rarely "adequate" for the female-headed family (FHF). If paternal support level estimates take into account maternal income, they will often fall short of adequate, given the realities of the job market² for women, particularly those who have been out of the labor force for several years. The institutionalized dependency inherent in the role of motherhood and family caretaker insures economic hardship for the mother and family in the event of marital dissolution or paternal desertion.³ For the low-income family, welfare dependency is almost inevitable.⁴

Although it has been widely recognized that "appropriate" and "reasonable" support is often inadequate for a family's needs, several studies have

1. Martin Rein and Lee Rainwater, "Sources of Family Income and the Determinants of Welfare", Working Paper, Joint Center For Urban Studies - M.I.T. and Harvard University (May 1976).

2. With its typically low wages and high job turnover.

3. Sally Bould, "Female-Headed Families: Personal Fate Control and the Provider Role", J. Marriage and the Family, vol. 39 (1977) pp. 339-349.

4. Although the problem is not limited to low-income families, as shown by Marion P. Winston and Trude Forsher, "Nonsupport of Legitimate Children By Affluent Fathers As a Cause of Poverty and Welfare Dependency", P-4665, The Rand Corporation (Santa Monica, December 1971).

been undertaken in an attempt to establish standards in the setting of support levels.¹ Following the passage of P.L.93-647 in 1975, the Office of Child Support Enforcement (OCSE) of the Department of Health, Education, and Welfare developed new guidelines for determining minimum acceptable child support levels, based on family size and level of earnings of the parent without custody of the children.² Unfortunately, in attaching the family's financial future to paternal ability-to-pay, the continued dependency of poor families is assured, while the larger problem of parity can be safely ignored as policy analysts evaluate alternate support standards.³ The assumption that paternal support enforcement at "appropriate" levels will insure the long-term economic security of the family is nowhere more transparent than in the case of low-income families.

For example, if we assume that AFDC grant levels define minimum levels of "adequate" support, then it is interesting to note that, based on the HEW schedule, no father earning less than \$185 net per week could afford to pay support which would effect the family's release from welfare in the state of Massachusetts.⁴ In fact, Massachusetts has no explicit criteria by which to measure indigency and relative ability-to-pay support, and so wide latitude is given to judges and probation officers in determining "appropriate" and "reasonable" levels of paternal support.

1. For example, Sawhill, op.cit.; Arthur Young & Co., op.cit.

2. The current support schedule from HEW is presented in Table III-5 of Chapter III.

3. This is not to say that fathers should be expected to pay "adequate" support levels beyond their financial capability. Rather, we suggest that the development of a support schedule for "adequate" family support would force policy-makers to concentrate on more fundamental issues regarding economic dependency among FHF's, in addition to the enforcement of child support.

4. The monthly AFDC grant for a family with two dependents was \$270 in 1976.

HEW Support Guidelines

In order to simplify the comparison between HEW and New Bedford support order levels, we first collapsed the categories of Table III-5. Although we maintained all categories of family size, earnings levels were aggregated into five groups, as shown in Table V-1a.¹ Average support levels recommended by HEW, shown as a percentage of earnings, is provided in Table V-1b. Overall support level averages for fathers of various earnings levels or with the same number of dependents are depicted at the end of each row and at the base of each column. Ideally, we would obtain these averages by weighting each category by the number of fathers in the U. S. participating in the IV-D program who fell in each cell. National statistics on IV-D fathers are not yet available.² Instead, we weighted each cell entry by the number of fathers represented in that group from the New Bedford sample.³ This procedure was considered more appropriate for it assured that HEW levels

1. In aggregating earnings levels, we first obtained the average support as a percentage of earnings for each particular family size. For example, in order to obtain the average support percentage across all fathers earning between \$76 and \$100 net per week with one dependent, we averaged the support percentages shown in parentheses in Table III-5. On average 16% of earnings would be required under the HEW schedule from fathers falling into this category. Percentages for all categories are shown in Table V-1b. We then calculated the average dollar support for each category by dividing the average income of each category, (in this case \$88), by the average support percent for that group (16%), to obtain an average support level (\$14.08). Each successive set of five earnings categories were collapsed using this method.

2. However, two Special Censuses have been proposed for 1979 which will for the first time provide data on absent parents, nonsupport, and support enforcement in the U. S.

3. The number of New Bedford fathers represented in each category is provided in Table V-2c.

TABLE V-1a. HEW SCHEDULE OF RECOMMENDED SUPPORT LEVELS
(in dollars)

Level of Earnings (net weekly)	Number of Dependents						\bar{X}
	1	2	3	4	5	6+	
\$ 76 - 100	\$14.08	14.96	15.84	16.72	17.60	18.48	14.84
101 - 125	29.15	32.77	35.26	36.61	37.74	38.87	31.58
126 - 150	38.92	44.44	49.96	55.20	59.34	62.38	44.66
151 - 175	48.90	56.40	63.24	69.76	76.23	81.50	57.36
176 - 200	56.40	65.80	75.20	84.22	92.50	94.00	52.57
\bar{X} =	28.38	40.50	34.80	56.53	43.87	48.34	\$35.95

TABLE V-1b. HEW SCHEDULE OF RECOMMENDED SUPPORT LEVELS
(as a % of net weekly earnings)

Level of Earnings (net weekly)	Number of Dependents				\bar{X}
	1	2	3	4+	
\$ 76 - 100	16.0%	17.0	18.0	19.6	17.7
101 - 125	25.8	29.0	31.2	33.0	29.8
126 - 150	28.2	32.2	36.2	41.6	34.6
151 - 175	30.0	34.6	38.8	44.9	37.1
176 - 200	30.0	35.0	40.0	46.8	38.0
\bar{X} =	26.0	29.6	32.8	37.2	31.4%

would be more representative of our sample, important for future comparisons between HEW and New Bedford support order levels. Since relatively few cases in the New Bedford sample involved families of more than four dependent children,¹ we also decided to collapse family size categories into just four groups, the last consisting of all cases involving fathers with four or more dependents. We used the same weighting procedure described above.

Support levels recommended by HEW vary between one-sixth and one-half of paternal earnings, from a low of 16% for a father in the lowest earnings category with just one dependent to 47% for the father in the highest earnings level with four or more dependents.² Support levels increase fairly uniformly across family size and income level, though we note that relatively lower amounts are required from lower earning fathers. (Average support totals shown in Table V-1a vary non-uniformly due to non-uniform weighting.) Maintaining a one-third support level standard for all fathers would be regressive because one-third of earnings represents a substantially greater reduction in the amount of net disposable income for a father in the lowest level than for a father in the highest level of earnings. Thus, the HEW schedule provides a relatively progressive set of guidelines to local support enforcement agencies, requiring higher support percentages

1. Most fathers with more than four dependent children had had these children by more than one mother, comprising an additional case on the study file.

2. Note that the average level of support recommended in New Bedford by the HEW schedule would be approximately \$35.95 per week, or an average of 31.4% of earnings.

from fathers with higher earnings, and lower support percentages from fathers with least ability-to-pay. If support enforcement officials in the New Bedford region are establishing support order levels commensurate with these HEW levels, we may assume they are applying this progressive standard. Where differences occur between support order levels and HEW recommended levels, we will examine the data to see whether there is some pattern to observed discrepancies. A test of significance will then be applied to our results.

Support Order Levels in New Bedford

In order to evaluate local enforcement of HEW recommended support standards, we compared HEW support amounts and support percentages (shown in Tables 1a and b) with actual support order levels and percentages found in the New Bedford region. These are presented in Tables 2a and b, depicting dollar amounts of support orders, and support order levels as a percentage of earnings, respectively, for various earnings levels and family sizes.¹ We did not differentiate between types of support orders, including both probate and district court orders, as well as verbal and voluntary agreements, in this analysis.²

In creating Tables 2a and b, we first created a subfile of all cases in which a support order had been established since 1975 and the development

1. Note that data on fathers earning less than \$76 net per week, and in excess of \$200 net per week, was available from our New Bedford sample. Although there were no comparable statistics from the HEW Table, we recorded them for later comparison with support payments made by New Bedford fathers, discussed in Section C of this Chapter (see Tables 4a and b).

2. In Section C of this Chapter, we compare the various levels of support established for different types of support orders and agreements.

TABLE V-2a. SUPPORT ORDER LEVELS ESTABLISHED IN NEW BEDFORD, MASSACHUSETTS
(in dollars)

Level of Earnings (net weekly)	Number of Dependents						\bar{X}
	1	2	3	4	5	6+	
\$ 1 - 75	\$19.03	24.50	24.00	-. ^b	-. ^b	30.00	20.84
76 - 100	14.73	23.11	23.30	31.60	40.60	25.00	19.63
101 - 125	20.71	22.92	31.60	50.00	30.50	-. ^b	23.53
126 - 150	26.91	34.19	39.77	37.60	46.67	30.00	33.20
151 - 175	31.29	38.91	43.67	41.67	48.33	-. ^b	38.27
176 - 200	43.25	42.83	47.22	40.67	-. ^b	60.00	44.25
200+	56.67	35.46	40.00	43.00	47.50	50.00	43.50
\bar{X} =	22.12	30.44	36.10	39.83	43.47	36.67	\$28.83

^b No cases fell in this category.TABLE V-2b. SUPPORT ORDER LEVELS ESTABLISHED IN NEW BEDFORD, MASSACHUSETTS
(as a % of earnings)

Level of Earnings (net weekly)	Number of Dependents				\bar{X}
	1	2	3	4+	
\$ 76 - 100	16.5%	26.4	25.1	38.9	26.7
101 - 125	18.2	20.2	27.4	37.1	25.7
126 - 150	19.7	24.7	28.8	29.0	25.6
151 - 175	19.5	23.8	27.4	27.2	24.5
176 - 200	21.9	22.9	25.5	23.5	23.3
\bar{X} =	19.2	23.6	26.8	31.1	25.2

of the HEW guidelines. Similarly, we included only those cases for which a post-1974 wage report, providing net weekly earnings of the father, was available.¹ Support order levels and support percentages (of earnings) of cases in the subfile would thus be more appropriate for comparison with HEW guidelines. No attempt was made to average support order amounts or wage earnings in cases where more than one order² or wage report was available since 1975. In these cases, we included only the first appropriate order for support and/or wage report. The new subfile was comprised of 479 cases from our original file of 682 cases. The number of subfile cases in each category of earnings and family size is provided in Table V-2c.³

Differences Between HEW and New Bedford Support Levels

Support order levels established in New Bedford show a fairly uniform pattern of increase across earnings and family size, with one major exception: support orders established for fathers earning less than \$100 net per week are relatively higher than corresponding HEW levels. Actual dollar amounts of New Bedford support orders are, for the most part, lower than HEW support levels.⁴ The most striking differences occur,

1. We also excluded all cases in which the only post-1974 order and/or wage report entries available had been coded as "999" (unknown amount) or "000" (no support was established or the father was unemployed without compensation). A total of 203 cases from the original study file were excluded from the support order subfile.

2. 41% of all cases in the complete study file showed more than one order for support established against the father.

3. Given the low numbers of fathers in larger family size categories, we aggregated cases into a single category comprising all fathers with four or more dependents (see Table V-2b, fourth column). In aggregating the data, we used the weighting procedure described above.

4. The average support order established in New Bedford was approximately \$29. This represented an average of about 25% of earnings, compared with 31% recommended by HEW.

TABLE V-2c. SUPPORT ORDER LEVELS ESTABLISHED IN NEW BEDFORD, MASSACHUSETTS
(number of cases per category)

Level of Earnings (net weekly)	Number of Dependents						TOTAL
	1	2	3	4	5	6+	
\$ 1 - 75	29	10	2	0	0	1	42 (9%)
76 - 100	56	18	10	5	5	2	96 (20%)
101 - 125	56	49	15	2	2	0	124 (26%)
126 - 150	34	43	17	5	3	1	103 (21%)
151 - 175	14	23	6	6	3	0	52 (11%)
176 - 200	4	12	9	6	0	1	32 (7%)
200+	6	11	3	5	4	1	30 (6%)
TOTAL =	199 (42%)	166 (35%)	62 (13%)	29 (5%)	17 (4%)	6 (1%)	479 (100%) (100%)

however, when we examine the New Bedford support orders as a percentage of earnings. Note that HEW support percentages increase with earnings and family size, as can be seen from the averages computed in the final row and column of Table V-1b. On the other hand, although New Bedford support percentages increase with family size in similar fashion,¹ they actually decrease with higher levels of earnings. This is shown in the fifth column of Table V-2b, where the average support required of lowest-earning fathers is about 27% of their income, while only 23% is required on average from highest-earning fathers.²

Differences observed between HEW and New Bedford support order levels are summarized in Tables V-3a and b. Differences in the dollar amount of support are provided in Table V-3a, while Table V-3b shows differences in support as a percentage of earnings. A positive sign indicates that the local New Bedford support order levels established by IV-D workers and the courts were actually in excess of HEW recommended levels. Conversely, a negative sign indicates that New Bedford support order levels were lower than those recommended in the HEW schedule. That is to say, IV-D workers establishing verbal and voluntary agreements, and judges establishing support orders, did not adhere strictly to HEW guidelines for support.

As we had observed already, the support orders established for fathers in lowest earnings groups in New Bedford exceeded HEW recommended levels.

1. If we compare low earners with high earners, however, we note that the percentage of support required from low-earning fathers increases quite significantly with family size. On the other hand, for fathers earning in the range of \$126 to \$200 net per week, increases with family size are relatively small. In fact, support percentages required of fathers in the two highest earning groups with four or more dependents actually decrease.

2. Similar results were found in the California study (Arthur Young & Co. Study, op.cit.) Although average earnings of fathers were between \$155 and \$176 per week, the average percent of income required in support was only in the range of 14% to 21% (pp.60, 62).

TABLE V-3a. DIFFERENCES BETWEEN HEW AND NEW BEDFORD SUPPORT ORDER LEVELS
(in dollars)

Level of Earnings (net weekly)	Number of Dependents			
	1	2	3	4+
\$ 76 - 100	\$ + 0.65	+ 8.15	+ 7.46	+17.09
101 - 125	- 8.44	- 9.85	- 3.66	+ 3.06
126 - 150	-12.01	-10.25	-10.19	-17.58
151 - 175	-17.61	-17.49	-19.57	-29.35
176 - 200	-13.15	-22.97	-27.98	-44.66

TABLE V-3b. DIFFERENCES BETWEEN HEW AND NEW BEDFORD SUPPORT ORDER LEVELS
(as a % of earnings)

Level of Earnings (net weekly)				
	1	2	3	4+
\$ 76 - 100	+ 0.5%	+ 9.4	+ 7.1	+19.3
101 - 125	- 7.6	- 8.8	- 3.8	+ 4.1
126 - 150	- 8.5	- 7.5	- 3.4	-12.6
151 - 175	-10.5	-10.8	-11.4	-17.7
176 - 200	- 8.1	-12.1	-14.5	-23.3

Moreover, as the number of dependents of the low-earning father increases, the degree by which local order levels exceed HEW levels is even greater, so that a father earning between \$76 and \$100 net per week with four or more dependents will be required to pay on average \$17 more than is recommended by HEW. At the same time, higher earning fathers are required to pay relatively less than amounts recommended by HEW as family size increases. With very few exceptions,¹ the pattern of strict enforcement against low-earning fathers and of lax enforcement against higher-earning fathers occurs across all earnings groups and family sizes. When viewed as a percentage of earnings, support level differences between HEW and New Bedford show the same results.² The lowest earning group of father is required on average to pay 1% more toward support if he has one dependent than is recommended under HEW guidelines. If he has four or more dependents, he is required on average to pay 19.3% more. Conversely, the more a father earns per week, the lower will be his percentage of income required for support, relative to HEW standards. The increasingly strict application of HEW support standards with family size for low earners, contrasting with the increasing relaxation of standards across family sizes for higher earners, lends credence to the theory that different support enforcement standards are consciously applied against poor and non-poor fathers.

The pattern of application of HEW support standards in New Bedford is

1. Only two cell entries deviate from this pattern of strict enforcement of support against low-earners and relatively lax enforcement in terms of support order levels for higher earning fathers.

2. We applied a two-way analysis of variance to the data to test for significant differences across earnings levels and family sizes. Discrepancies observed between HEW and New Bedford support orders as a percent of earnings were confirmed as significant. F-statistics for earnings were significant at the 99.9% level, and for family size at the 95% level.

distinctly regressive. To summarize, those fathers who are least able to support their families are generally required to pay the highest, even excessive, levels of support.¹ This trend becomes so exaggerated with increases in family size that it is difficult to avoid the conclusion that support enforcement against poor fathers is punitive. At the same time, fathers with the highest ability-to-pay support are required to pay the least. Particularly favored are those higher-earning fathers with large families.

Discussion

If we consider that fully 30% of all fathers participating in the New Bedford IV-D program were subject to irregular employment during the study period, we might have expected local support order levels in New Bedford to be uniformly less than levels recommended by HEW. In particular, we would expect lowest-earning fathers to be under orders which are less than HEW order levels. In fact, the reverse is true. While it is true that most order levels established in New Bedford fall short of HEW levels, in the case of poorest fathers, they exceed HEW levels.

Several reasons have been suggested to explain the discriminatory application of support orders against poor and non-poor fathers. Probably the most common explanation is that judges are reluctant to demand

1. The HEW schedule provides minimum support guidelines to IV-D enforcement workers. Where support orders exceed HEW levels, we would expect order levels to still be commensurate with ability-to-pay, although not necessarily with minimum ability-to-pay. If support orders exceed HEW levels by a wide margin, as in the case for low-earning fathers, particularly those with larger families to support, we might expect instead that order levels exceed ability-to-pay. It would therefore not be surprising to find low-earning fathers paying relatively small proportions of their support orders. Differences between support orders and support payment levels in New Bedford will be discussed in Section C of this Chapter.

full support up to HEW levels from higher-earning fathers for fear they may become discouraged and "skip town". Judges have also voiced the fear that "high"¹ support orders may act as a disincentive to employment.² Similar fears may be experienced by IV-D support workers who are eager to establish voluntary agreements and avoid court action against the father. If the father appears unwilling to pay up to HEW support levels, the IV-D worker may be tempted to compromise in order to obtain sure and regular payments at lower amounts.³

A majority of nonsupport cases which reach the New Bedford courts involve fathers who can afford to pay in the range of \$15 to \$45 per week in support. No doubt there is some inertia in the system which discourages a judge from establishing support amounts greatly in excess of these norms, even where the IV-D workers has demonstrated that a father is able to pay substantially more. IV-D workers also fall prey to this inertia. The general rule of thumb among support workers is to attempt to establish support agreements (verbals and voluntaries) at the one-third level. If the father argues strongly against this order level, it will usually be reduced. If agreement can be reached at, say, one-fifth or one-sixth of earnings, no court action will be taken against the father. Compromising support order levels guarantees less courtwork for IV-D personnel

1. Judges and IV-D workers generally regard one-third of earnings as the most "reasonable" and "appropriate" level of family support. One reason for this bias is that a majority of HEW recommended levels approximate one-third of earnings. While the standard is easier to apply uniformly, there is the tendency to neglect the progressive elements of the HEW guidelines, requiring relatively lower proportions of earnings from poor fathers, and relatively higher proportions from non-poor fathers.

2. Although, in fact, the discouragement effect should be even greater for poor fathers from whom a full one-third standard is applied.

3. Support workers are encouraged to enforce support even in cases where order levels are very low (e.g. \$5 per week is not uncommon). Given the large caseload potential of the IV-D program, support levels are considered far less important than whether support is enforced at all.

and, hopefully, higher levels of compliance from fathers. The situation is much the same in the courtroom. If the IV-D worker recommends to the court an order be established at more than one-third of paternal earnings, it will often be rejected by the judge. Compromise may be reached at or below the one-third level of support. The one-third standard is thus used, somewhat arbitrarily, as a maximum support level in most cases.¹ Unfortunately, it is not generally recognized that a uniform one-third standard for support may create real hardship for the poor father, while compliance becomes progressively easier as earnings increase.² The bias against establishing high support order levels seems to exist, in reverse, for low-earning fathers. Although HEW recommends support order levels within the range of one-quarter to one-sixth of earnings for fathers with net weekly pay of \$100 or less, it appears that both judges and support workers revert to the familiar one-third standard in many cases.

A third reason has been suggested for the lax enforcement of HEW support standards against fathers of families on welfare. In establishing support order levels, enforcement officials and judges concentrate primarily on paternal ability-to-pay, to the virtual exclusion of family considerations, such as level of need, desire to avoid or maintain contact with the father, and so on.³ All participants in the court action are aware that the family is receiving welfare benefits, and that the amount of the support

1. Whereas HEW support guidelines are presumed to establish a minimum support standard. The one-third minimum approach presumes a father is probably able to pay higher levels of support. In Section C we will show that many low-earning fathers pay in excess of the this standard.

2. The higher the level of earnings, the greater is the amount of net disposable income remaining after payment of one-third toward support.

3. Indeed, the action at law is between the father and the Welfare Department, not between the mother or family and the nonsupporting father.

order will in no way offset or affect their level of AFDC benefits. It could affect the family's welfare status, however. If the support order amount exceeds the family's AFDC grant, the AFDC case may be closed, and future paternal support payments made directly to the family. Occasionally, a judge may request information from the IV-D worker on the amount of the family's AFDC grant. If the AFDC grant level is relatively close to the father's potential for support, the judge may attempt to set the support level slightly in excess of the family's AFDC grant level so as to effect the family's release from future welfare dependency. Far more frequently, however, judges are aware that fathers quickly revert to their former support delinquent behavior in the absence of state involvement in the enforcement process. They also recognize that the family no longer on welfare faces an uncertain economic future. Paternal support payments may be irregular, and private enforcement too costly to pursue. Judges may therefore choose to deliberately set the amount of the support order at a level somewhat lower than the family's AFDC grant level in order to prevent the closure of the AFDC case and in an effort to secure financial security for the family.¹

1. If a judge believes that the one-third standard is too high for, say, a father earning \$165 net per week who has re-married, he or she is in effect giving legal sanction to the notion that earnings of \$165 or less per week are insufficient to support the children and maintain two residences. In a sense, such rulings on support level argue for some form of public assistance payments as necessary to supplement paternal support payments.

C. CHILD SUPPORT PAYMENTS IN NEW BEDFORD, MASSACHUSETTS

Willingness-To-Pay

In the previous Section, we compared New Bedford support order levels with HEW support guidelines. We assumed that HEW support levels defined a minimum level of ability-to-pay support. Thus, discrepancies between HEW and New Bedford support order levels reflected an inability or unwillingness on the part of IV-D workers and court judges to adhere to HEW guidelines. In this Section, we examine the support payments made by New Bedford fathers in compliance with these orders. We assume once again that support order levels are commensurate with at least minimum ability-to-pay support.¹ Thus, any discrepancies observed between support order levels and support payment levels may be explained in terms of paternal unwillingness-to-comply.

First, we will examine paternal support payments made in New Bedford to see whether there are any significant differences in payment levels between fathers of various earnings levels. We suspect that criminal non-support is largely a problem of poverty. Fathers subject to occasional, even frequent, bouts of unemployment may be discouraged from making support payments.² There could be another reason why we might expect low-earning fathers to be more delinquent in child support payments than other fathers.

1. Given that a majority of New Bedford support orders fall below minimum support levels recommended by HEW, this assumption is probably justified. We will show, moreover, that many of the poorest fathers pay substantially higher percentages of their earnings toward support than recommended by HEW which suggests that HEW levels do represent a minimum level. We also have assumed that where a real inability to pay support exists, IV-D workers and court officials will have modified the support order amount accordingly.

2. In the case of marginally employed fathers, it is not possible to determine whether low compliance levels (or higher support delinquency) is primarily a function of inability or unwillingness-to-comply.

Recall from Section B that support order levels established for lowest-earning fathers in New Bedford constituted substantially higher percentages of earnings than those established for higher-earning fathers. In fact, a majority of orders established for low-wage fathers actually exceeded levels recommended by HEW for those groups. One result we might anticipate from these findings is a lower level of compliance with support orders among low-wage fathers. On the other hand, HEW support guidelines were relaxed for higher earners. Thus, we might expect substantially higher levels of support order compliance among these groups of fathers.¹

We then compare differences between support order and support payment levels for fathers of various earnings levels and numbers of dependents. Differences are measured both in dollar terms (i.e. unadjusted for earnings differences) and as a percent of earnings. Any discernible patterns of difference will be examined, and an analysis of variance applied to test for significant differences between groups.

A major assumption of many proponents of the Child Support Enforcement Program is that the strict enforcement of support orders will result in non-delinquent behavior on the part of absent parents. However, we know very little about the causes of support delinquency itself. The problem of paternal nonsupport is a source of daily frustration and concern for those engaged in enforcement activity. A man's failure to provide support

1. All analyses of support payment levels are performed using the same categories and intervals of earnings and family size as in Section B.

for his family is not well understood. The overwhelming majority of support enforcement officials have concluded that fathers are basically prone to delinquent behavior or they are not, and they will invariably add that there are no clues available as to the difference between these "types" of fathers. In the following analyses, we do not seek to establish the determinants of willingness-to-pay. Instead, we measure levels of compliance (and delinquency) associated with various types of enforcement which may serve to illuminate particular aspects of the enforcement process itself.

We distinguish first between alternate modes of enforcement, i.e. types of support orders or agreements established with the father. We then compare the payment levels of fathers in response to these various types of enforcement action.¹ Several further questions may be asked. For example, do fathers tend to remain delinquent under more informal, voluntary or verbal agreements, but tend to comply with formal court orders for support? Preliminary analysis of the data suggested that support payment levels dropped following formal marital dissolution. We will therefore examine support payment responses both prior to, and following, changes in the mode of enforcement. For example, do payment compliance levels increase or decrease following the change from non-court to criminal court action or to probate court action?

1. Unfortunately, we do not have data on the incidence of threat of court action or criminal proceedings. Although we know that such actions can encourage prompt support payments, we are unable to measure the impact of threatened court action as a deterrent to delinquency.

Finally, we examine the impact of alternate levels of enforcement on paternal support payment levels. Level of enforcement is defined as the total number of support enforcement actions taken against a father during the study period. If we suspect that low-earning fathers may be more delinquent in support payments, then it would be useful to compare the payment responses of both employed, and marginally employed, fathers to various levels of enforcement. A test for significant differences between these groups (ANOVA) will then be applied.

Recall that all child support payments collected under the Massachusetts IV-D Program are directed to the State Treasury, in no way offsetting or reducing the amount of the family's AFDC grant. Many fathers may be reluctant to pay support to the Welfare Department knowing that such payments do not affect the welfare of their children. The family continues to receive their full AFDC grant regardless of paternal support compliance or delinquency with an order for child support. Another factor which could contribute to unwillingness-to-pay is that many fathers resent the fact that their wives or ex-wives are receiving welfare assistance while they are required to pay support. If the father has re-married, his support of the first family may create real hardship for his second family. We do not know what impact these factors may have on the father's willingness-to-pay support. However, if we assume that payment levels are relatively independent of family welfare status,¹ then our conclusions regarding support delinquency may be extended to include fathers of non-welfare families as well.

1. Viz. the father's level of compliance with a support order would be the same whether or not his family was receiving welfare benefits.

Estimating Support Payment Levels

Individual payments made by father in New Bedford were not recorded on the study file. Instead, we constructed a shorthand method of estimating payment levels: we adjusted support order levels downwards by an amount judged to be equivalent to the father's level of nonsupport or support delinquency. Judgements regarding compliance (or delinquency) levels were made by examining the complete payments records of the father following each support order established for him.

First, we developed a set of codes to approximate most common levels of compliance.¹ Recall from Chapter IV that support payment levels could be described in any one of six ways: (1) payments made regularly up to the full amount of the support order; (2) payments made regularly, but generally an amount less than the support order;² (3) irregular support payments are made, or amounts paid are less than half the amount of the support order; (4) support payments were never made following this particular support order; (5) full and regular support payments were made for some months, but the father later stoppped payments; and (6) the father initially refused to make any payments, but later began paying regularly the full amount of the

1. Admittedly, the assignment of codes according to observed levels of support provides only gross estimates of support payment behavior. The alternative, however, was to record each payment, together with date, amount, and associated support order, made by each father on the study file. This would have been too time-consuming. Instead, we made a best approximation of support compliance by recording gross payment level changes.

2. Where a father regularly paid more than half of the support order amount, his payment response level was recorded in this category.

support order. Each support order on the study file was followed by at least one of the above code indicating paternal payment response to that order. A total of three possible codes could follow any individual support order, each indicating changes which occurred in the father's level of compliance with the order.

We then assigned weights to each of these compliance levels. Full payment compliance was assigned a weight of 1.0. If support payments were regular, but slightly less than the order amount, a weight of 0.8 was assigned. If the father paid irregularly, or amounts considerably less than the order, we assigned a weight of .15. If no payments were made by a father, a score of zero was applied. Support order levels were then adjusted by multiplying the dollar amount of the order by the appropriate weight for that order to obtain an estimate of the actual payment level.¹

Up to three such adjustments could be made² to any particular support order in estimating payments levels. A straight averaging of the three weights would not account for the final payment response of the father adequately. We therefore accorded triple weighting to the final compliance code associated with a particular order for support. Consider the example of a support order for \$30 per week,³ where the father was initially delinquent, graduating to regular but

1. Thus, a weight of 1.0 would mean that the level of payments was equal to the level of the support order. Zero weighting resulted in a zero support payment level. Regular payments less than the amount of the support order would be listed at 80% of the order level, and irregular payments or low payments at 15% of the order amount.

2. Representing changes in the father's payment level.

3. The average support order level established in New Bedford was \$27 per week.

low payments, then finally paying the full amount of the support order.

The weighting scheme would be applied as follows:

$$y = \frac{(30*0)+(30*.8)+(30*1.0)+(30*1.0)+(30*1.0)}{5}$$

$$= \$22.8,$$

where y = estimated level of support payments. Conversely, if a father was initially compliant, then began paying lesser amounts, and finally stopped payments altogether, his support payment level would be calculated as follows:

$$y = \frac{(30*1.0)+(30*.8)+(30*0)+(30*0)+(30*0)}{5}$$

$$= \$10.8.$$

Note that if triple weighting was not applied, payment level estimates for both these cases would have been identical, even though one father became fully compliant while the other stopped support payments altogether.¹

Support Payment Levels in New Bedford

In estimating support payment levels in New Bedford, we followed the same procedure as for support order levels in Section B, constructing a subfile of all cases in which a post-1974 support order and wage

1. Although this scheme provides a reasonably accurate estimate of support payment levels following any particular order, it tends to lose its accuracy if multiple codes exist (38% of all orders). Payment level estimates in these cases err by about $\pm 15\%$. In Appendix E, we calibrate this method of estimation. We also sensitize our payment level results by applying alternate weights and by using a simple averaging procedure, rather than triple weighting final entries. Although we could not say that simple averaging resulted in better estimates, we did find that a weight of .8 for code "2" entries was more accurate. All payment estimates in this thesis, however, contain a weight of .8 for code "2" entries, resulting in conservative estimates of the difference between order and payment levels.

report were available. Again we excluded all cases in which the support order or earnings amounts were either zero or unknown. Support payment levels were obtained using the weighting scheme for adjusting order levels for 480 cases from the study file. Cases were then disaggregated by earnings level and family size. Tables V-4a and b show New Bedford support payment levels in dollar terms and as a percent of earnings, respectively. Referring to the range of earnings between \$75 and \$200,¹ we find that the average level of payments made by New Bedford fathers in the IV-D program increase with earnings as well as with family size. A significant exception to this was fathers with four or more dependents earning in excess of \$150 per week. Recall from Section B that these same fathers were required to pay relatively lower support percentages than other fathers. It is interesting to note that low-earning fathers pay higher percentages of their income toward support than high-earning fathers.² Overall, fathers in the middle earnings ranges pay the highest percentages of their earnings toward support, while low earners pay more and high earners pay less.³ In fact, when viewed as a percentage of earnings, support payments are highest among low-earning fathers (excluding the under \$75 range) with the greatest number of dependents, i.e. four or more. This group

1. Although data for categories below \$75 and above \$200 net per week were provided also, not all payment estimates are significant due to the low numbers of cases represented in several of these cells. Table V-4c shows the number of cases in each cell category.

2. Although fathers with three or more dependents, earning less than \$75 per week, pay very little toward support.

3. These findings agree with those obtained in the California study (Arthur Young & Co., op.cit., p.67), except for our results concerning low earning fathers, who are not only required to pay higher percentages under support orders, but also show high levels of compliance.

TABLE V-4a. SUPPORT PAYMENT LEVELS IN NEW BEDFORD, MASSACHUSETTS
(in dollars)

Level of Earnings (net weekly)	Number of Dependents				\bar{X}
	1	2	3	4+	
\$ 1 - 75	\$ 8.50	16.15	0.34	1.13	9.76
76 - 100	7.73	12.43	15.47	25.59	11.65
101 - 125	11.03	13.07	22.00	14.58	13.35
126 - 150	18.45	21.00	23.32	31.12	21.43
151 - 175	22.73	27.12	34.17	28.86	27.05
176 - 200	33.77	29.48	44.44	40.74	36.69
200+	30.62	28.82	11.75	35.12	29.54
\bar{X} =	12.78	19.42	24.51	27.67	\$18.46

TABLE V-4b. SUPPORT PAYMENT LEVELS IN NEW BEDFORD, MASSACHUSETTS
(as a % of earnings)

Level of Earnings (net weekly)	Number of Dependents				\bar{X}
	1	2	3	4+	
\$ 0 - 75	15.4%	23.9	0.5	1.5	10.3
76 - 100	8.6	13.9	16.7	28.8	17.0
101 - 125	9.7	11.5	19.2	13.3	13.4
126 - 150	13.5	15.3	16.9	22.7	17.1
151 - 175	14.2	16.5	21.6	18.0	17.6
176 - 200	17.1	15.7	24.0	22.0	19.7
200+	11.5	12.2	4.6	13.7	10.5
\bar{X} =	12.9	15.6	14.8	17.2	15.1%

TABLE V-4c. SUPPORT PAYMENT LEVELS IN NEW BEDFORD, MASSACHUSETTS
(number of cases per category)

Level of Earnings (net weekly)	Number of Dependents				TOTAL
	1	2	3	4+	
\$ 0 - 75	29	10	2	1	42 (9%)
76 - 100	45	18	10	12	96 (20%)
101 - 125	45	49	16	4	125 (26%)
126 - 150	34	43	17	9	103 (21%)
151 - 175	14	23	6	9	52 (11%)
176 - 200	4	12	9	7	32 (7%)
200+	5	11	3	10	29 (6%)
TOTAL =	198 (41%)	166 (35%)	63 (13%)	52 (11%)	479 (100%) (100%)

paid approximately 29% of earnings toward support, compared with an overall average of 15% among all fathers in the New Bedford program. As in the case of support orders, support payment levels prescribe a fairly regressive picture of support enforcement in New Bedford. It is very interesting to note, however, that lower-earning fathers show an ability to comply with support standards far in excess of HEW recommended levels.¹

Differences Between Order Levels and Payment Levels

Comparing support order and support payment levels in New Bedford, we find that payment levels in all cell categories are lower than order levels. Overall, the average level of support required in New Bedford was about \$29 per week, while the average support payment was only \$18 per week. Although an average of 25% of earnings was required in support from New Bedford fathers, they actually paid only about 15% of their earnings on average. In Tables V-5a and b, we show the net dollar and support percentage differences between order and payment levels in New Bedford. Note that all entries in these Tables are negative,³ that is, payment levels of fathers were invariably lower than support levels ordered by IV-D or the courts. Cell entries thus indicate the dollar amount, or support percentage, by which support order levels

1. This lends credence to the theory that enforcement efforts are concentrated, and generally most successful, against fathers who are the most accessible if also the least able to support their families. It also indicates that the application of the strict one-third support standard, in lieu of the progressive HEW guidelines for support, may not exceed even the poorer father's ability-to-pay.

2. From Tables V-2a and b, and 4a and b, respectively.

3. A positive entry would indicate that the payment level exceeded the order level.

TABLE V-5a. DIFFERENCES BETWEEN SUPPORT ORDER AND SUPPORT PAYMENT LEVELS
IN NEW BEDFORD, MASSACHUSETTS (in dollars)

Level of Earnings (net weekly)	1	2	3	4+
\$ 76 - 100	\$ - 7.00	-10.68	- 7.83	- 8.71
101 - 125	- 9.68	- 9.85	- 9.60	-25.72
126 - 150	- 8.46	-13.19	-16.45	- 8.68
151 - 175	- 8.56	-11.79	- 9.50	-15.04
176 - 200	- 9.48	-13.35	- 2.78	- 2.66

TABLE V-5b. DIFFERENCES BETWEEN SUPPORT ORDER AND SUPPORT PAYMENTS LEVELS
IN NEW BEDFORD, MASSACHUSETTS (as a % of earnings)

Level of Earnings (net weekly)	1	2	3	4+
\$ 76 - 100	-7.9%	-12.5	- 8.4	-10.1
101 - 125	-8.5	- 8.7	- 8.2	-23.8
126 - 150	-6.2	- 9.4	-11.9	- 6.3
151 - 175	-5.3	- 7.3	- 5.8	- 9.2
176 - 200	-4.8	- 7.2	- 1.5	- 1.5

were reduced due to paternal delinquency. Absolute dollar differences appear to vary somewhat independently of earnings and family size.¹ When viewed as a percent of earnings, however, we see a clear trend toward higher delinquency levels among low-earning fathers, and low levels of delinquency among high-earning fathers. Family size does not seem to be related to delinquency levels for low-earners, but payment compliance appears to be highest among high-earning fathers with largest families.²

Recall from Table V-3a that New Bedford support order levels exceeded HEW recommended levels by as much as 19% for low-earning fathers with the largest families. At the same time, support orders established for high-earning fathers with large families, those whom we might consider as most able-to-pay support, were only required to pay a fraction of HEW recommended levels for their group. Order levels for these fathers were actually 23% lower than HEW levels. We therefore should not be surprised to find that low earners exhibit the highest levels of support delinquency, while high earners are the least delinquent. The problem is that any conclusions regarding paternal support delinquency will vary depending upon the standard used. If payment levels of low-earning fathers are compared with

1. Note that the highest level of delinquency was recorded for fathers earning between \$101 and \$125 per week with four or more dependents, who paid on average \$26 less per week than required under support orders for that group. The lowest levels of delinquency occurred among high earning fathers with largest families to support, paying only \$3 less than support order levels on average.

2. This was confirmed by results from a two-way analysis of variance, testing for significant differences across earnings levels and family sizes. Discrepancies observed between support order and support payment levels in New Bedford were significantly different across groups. F-statistics for earnings were significant at the 99.9% level, but did not vary significantly by family size.

support order levels for that group, they appear to be more delinquent than all other groups of fathers. If, however, we compare their payment levels with HEW support levels recommended, the same group of fathers appears to be the least delinquent group.¹ To illustrate this, in Section D we will compare payment levels of fathers with both HEW and New Bedford order levels. We will also provide graphs which show the relative impact of lax enforcement and paternal delinquency on support levels in New Bedford. Specifically, we will ask whether support levels are low primarily as a result of lax enforcement or unwillingness-to-pay on the part of fathers. The percentage reduction in support due to each of these factors will also be presented. Policy recommendations based on these results will be outlined in Chapter VI.

Mode of Enforcement

In this subsection, we analyze the payment responses of New Bedford fathers to alternate modes of enforcement, where mode of enforcement refers to the type of court order or support agreement established between the Welfare Department and the father. Enforcement actions were aggregated into five main categories: Type 1, or verbal, unsigned agreements and modifications of such agreements; Type 2, or voluntary signed affidavits of paternity and support,² together with modifications

1. Note that all estimates of payment levels involving a compliance code "2" (regular payments of amounts somewhat lower than order amounts) were overestimated. Our weight of .8 was found to be less accurate than a weight of about .6 for these codes (see Appendix E). Therefore, differences observed between order levels and payment levels provide a conservative estimate of the actual variation.

2. In 45 (or 7%) of all cases on the study file, there existed an older, unidentified order for support. We assumed these were voluntary agreements, assigning them to the Type 2 category of enforcement actions.

of voluntary agreements; Type 3, or probate court actions involving legal separations, divorces, or modifications of support decrees; Type 4, or district court actions, involving criminal action against the father for nonsupport, and modifications of district court orders; and finally, Type 5, or URESA (out-of-state) court actions, both civil and criminal.¹

The vast majority of enforcement actions in New Bedford involved voluntary agreements to support (48%), verbal agreements comprising just 7% of all actions. The remaining 45% of actions were initiated in the courts: 28% in probate courts, 14% in district courts, and slightly less than 3% in courts outside the Commonwealth (URESAs).

The average level of support orders and support payments associated with each particular type of enforcement action is presented in Table V-6. The average level of support required under both court and non-court actions was roughly the same, about \$28. Dollar variations in support order levels were on the order of a few dollars only. Payment levels under each type of enforcement action were also roughly equivalent, although criminal actions appeared to result in slightly higher payment levels.² On average fathers paid about 60% of the amount of their support orders. However, fathers against whom

1. A total of five possible enforcement actions could be recorded in each case on the study file. 58% of all support enforcement cases in New Bedford involved only one order or agreement to support, 32% of fathers had two orders established, 8% had three actions brought against them, and less than 1% had more than three actions. The remaining cases in the study file were excluded because the support order amount was listed as zero or was unknown, leaving a total of 984 support actions for our subfile.

2. Refer to the fourth column of Table V-6.

TABLE V-6 . AVERAGE ORDER AND PAYMENT LEVELS BY MODE OF ENFORCEMENT
(as a % of earnings)

Type of Action ^a	# Cases	%	Average Support Level Order	Payment	% Payment/Order	% Order Reduction
1	66	7	\$28.24	\$16.69	56%	44%
2	474	48	27.51	15.99	57	43
3	278	28	29.91	17.21	57	43
4	140	14	28.11	20.79	73	27
5	26	3	27.62	15.67	56	44
TOTAL =	984	100%				

- ^a
- Type 1: Verbal agreements and modifications
 - Type 2: Voluntary agreements and modifications
 - Type 3: Probate court orders (legal separations/divorces) and modifications
 - Type 4: District court orders (criminal nonsupport) and modifications
 - Type 5: URESA (out-of-state) court orders

criminal action had been taken tended to pay about 70% of the amount of the court order for support.¹

Table V-6 showed the average percent of orders paid under different types of enforcement actions. In Table V-7c, we examine the differences between order and payment levels across earnings groups for each particular type of enforcement action.² The question we posed was this: are observed differences primarily a function of earnings level (i.e. ability-to-pay support) or of enforcement mode (e.g. non-court versus court)? From Table V-7c, we first noted that probate orders for support were associated with slightly higher levels of delinquency, while verbals and district orders seemed to have relatively low levels of delinquency. Even more striking, however, were differences across earnings groups. Observe that higher earning fathers appear to be less delinquent across all types of enforcement, with the exception of URESA enforcement cases. Low-wage fathers, on the other hand, showed higher levels of delinquency across all order types.³ A two-way analysis of variance confirmed that differences in levels of support delinquency were explained primarily by differences in earnings as opposed to mode of enforcement.⁴

1. A two-way analysis of variance confirmed these results: levels of payment compliance were shown to be significantly different, primarily due to the effects of criminal (Type 4) actions on payment levels. The F-statistic for enforcement mode was significant at the 99.9% level.

2. Tables V-7a and b show both orders and payments as a percent of earnings, respectively.

3. The number of URESA cases in each cell category was too small to establish significant differences, as shown in Table V-7d.

4. The F-statistic obtained for earnings was significant at the 99.9% level, while the F-statistic for enforcement mode was significant only at the 73% level.

TABLE V-7a. SUPPORT ORDER LEVELS BY MODE OF ENFORCEMENT
(as a % of earnings)

Level of Earnings (net weekly)	Type of Enforcement Action ^a				
	1	2	3	4	5
\$ 1 - 75	21%	31	49	26	- ^b
76 - 100	22	19	27	24	11
101 - 125	19	21	21	22	17
126 - 150	27	23	20	26	25
151 - 175	20	26	20	22	19
176 - 200	20	21	23	22	26
200+	29	18	13	14	13
\bar{X} =	22%	23%	25%	22%	19%

- ^a Type 1: Verbal agreements and modifications
 Type 2: Voluntary agreements and modifications
 Type 3: Probate orders (divorces/legal separations) and modifications
 Type 4: District court orders (criminal nonsupport) and modifications
 Type 5: URESA (out-of-state) court orders

- ^b No cases fell into this cell category.

TABLE V-7b. SUPPORT PAYMENT LEVELS BY MODE OF ENFORCEMENT
(as a % of earnings)

Level of Earnings (net weekly)	Type of Enforcement Action ^a				
	1	2	3	4	5
\$ 1 - 75	21%	14	25	13	^b -
76 - 100	13	11	16	17	11
101 - 125	7	11	14	15	10
126 - 150	18	13	9	22	20
151 - 175	18	19	13	18	4
176 - 200	11	17	12	22	21
200+	26	11	9	12	1
\bar{X} =	16%	14%	14%	17%	11%

- ^a
- Type 1: Verbal agreements and modifications
 - Type 2: Voluntary agreements and modifications
 - Type 3: Probate court orders (divorces/legal separations) and modifications
 - Type 4: District court orders (criminal nonsupport) and modifications
 - Type 5: URESA (out-of-state) court orders

- ^b No cases fell into this cell category.

TABLE V-7c. SUPPORT DELINQUENCY BY MODE OF ENFORCEMENT^a

Level of Earnings (net weekly)	Type of Enforcement Action ^b				
	1	2	3	4	5
\$ 1 - 75	0%	-17	-24	-13	* ^c
76 - 100	-7	-8	-11	-7	0
101 - 125	-12	-10	-7	-7	-7
126 - 150	-9	-10	-11	-4	-5
151 - 175	-2	-7	-7	-4	-15
176 - 200	-9	-4	-11	0	-5
200+	-3	-7	-4	-2	-12
\bar{X} =	-6%	-9%	-11%	-5%	-6%

^a Level of delinquency is defined as average difference between support order and support payment levels, each as a percent of earnings.

^b Type 1: Verbal agreements and modifications
 Type 2: Voluntary agreements and modifications
 Type 3: Probate court orders (legal separations/divorces) and probate modifications
 Type 4: District court orders (criminal nonsupport) and modifications
 Type 5: URESA (out-of-state) court orders

^c No cases fell into this cell category.

TABLE V-7d. SUPPORT DELINQUENCY BY MODE OF ENFORCEMENT
(number of cases per category)

Level of Earnings (net weekly)	Type of Enforcement Action ^a				
	1	2	3	4	5
\$ 1 - 75	1	33	14	5	0
76 - 100	11	82	18	15	1
101 - 125	16	114	35	16	4
126 - 150	8	86	35	7	3
151 - 175	12	27	13	2	2
176 - 200	4	25	13	3	1
200+	2	22	19	2	3
TOTAL = 654	54	389	147	50	14
(100%)	(8%)	(59%)	(22%)	(8%)	(2%)

- ^a
- Type 1: Verbal agreements and modifications
 - Type 2: Voluntary agreements and modifications
 - Type 3: Probate court orders (divorces/legal separations) and modifications
 - Type 4: District court orders (criminal nonsupport) and modifications
 - Type 5: URESA (out-of-state) court orders

Change in Mode of Enforcement

To this point, analysis of payment compliance by mode of enforcement suggests that higher levels of compliance are associated with only one category, that of criminal action against nonsupporting fathers. We also suspected, however, that specific mode changes could affect paternal willingness-to-pay. For example, if a father is unable to comply with an established support order, he may request a reduction be made in the amount of the support order. Order modifications of this nature should therefore result in higher level of support compliance. It has also been assumed that fathers making irregular payments under an informal (verbal or voluntary) non-court agreement will become less delinquent if they are threatened with criminal court action.¹ From preliminary examination of the New Bedford data, we also suspected that levels of support delinquency increased following a divorce or legal separation. In order to evaluate these various theories regarding support delinquent behavior, we decided to analyze changes in support compliance levels prior to, and following, changes in the mode of enforcement.

First, we developed a list of eight (8) types of enforcement mode change: Types 1 through 4 describe modifications to verbal agreements, voluntary agreements, probate court orders, and district court orders,

1. Unfortunately, we do not have statistics on the payment level changes associated with threat of court action, only realized court action.

respectively; Type 5 represents changes from all non-probate types of orders¹ to a probate order; Type 6 includes changes from all non-criminal enforcement actions² to those involving criminal action for nonsupport (district court orders); and finally, Types 7 and 8 describe changes which occur from non-court to court enforcement action, and vice versa.³

We then created a subfile of all such order changes which occurred during the study period. For each case on the file, we located all pairs of sequential orders corresponding to a particular category. We then measured the levels of payment compliance⁴ of each support order in a pair, calculating the difference between the two levels. A positive entry in the final column of Table V-8 indicates an increase in support payment level following the change in enforcement mode. A negative entry indicates a drop in support payment level subsequent to the change in mode of enforcement. Numbers appearing in the second column of Table V-8 refer to the total pairs in each category, not to the number of cases represented in any category.

For the most part, results obtained in the analysis confirmed our theories. First, we consider those changes in enforcement resulting in a net decrease in support payments. Referring to the final

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1. i.e. verbal or voluntary agreements or district court orders.
 2. i.e. verbal or voluntary agreements or probate court orders.
 3. Non-court actions involve verbal and voluntary agreements, court actions may involve either civil or criminal proceedings.
 4. Defined as the percent of the support order paid by the father. Results of the analysis appear in Table V-8.

TABLE V-8. COMPLIANCE LEVELS FOLLOWING CHANGE IN MODE OF ENFORCEMENT
(average % of order paid)

Type of Order Change ^a	# Order Changes	%	Average Compliance Level		Net Change
			1st Order	2nd Order	
1	3	41	88%	40%	-48%
2	68	17	62	66	+4%
3	24	6	79	70	-9%
4	16	4	88	97	+9%
5	85	21	75	59	-16%
6	60	15	54	74	+20%
7	134	33	67	65	-2%
8	16	4	72	59	-12%
TOTAL	= 406	100%			

- ^a
- Type 1: Modification of verbal agreement
 - Type 2: Modification of voluntary agreement
 - Type 3: Modification of probate court order
 - Type 4: Modification of district court order
 - Type 5: Change from non-court agreement to probate court order
 - Type 6: Change from non-court agreement to district court order
 - Type 7: Change from non-court agreement to court order
 - Type 8: Change from court order to non-court agreement

column in Table V-8, we observe that the highest net decrease in payment levels occurred following modification of verbal agreements, a net drop of -48%. Note, however, that this category is represented by only three cases. We therefore cannot conclude that this result is significant.¹

Next, we observe that a change from a non-probate to a probate court order for support results in a net decrease in the average level of paternal support of -16%. Note also that probate court order modifications are associated with a decrease (-9%) in support payments. Although we might have expected probate order modifications to result in higher levels of compliance among fathers, it appears that there are other, stronger influences on willingness-to-pay in the probate context. It seems likely that the substantial net decreases in payments associated with probate actions can be explained only by the nature of these proceedings. That is to say, lower willingness-to-pay tends to occur with final marital dissolution.²

On the other hand, we find that the institution of criminal proceedings against nonsupporting fathers results in an average net increase of +20% in the level of support payments. Similarly, modifications to district court orders for support result in higher levels of compliance, representing on average a +9% increase in support

1. This was confirmed later using a two-way analysis of variance.

2. These results run counter to those of the California study, where the analysis "shows no association between the type or duration of the prior relationship and the percent of support obligation paid by the absent parent" (Arthur Young & Co., op.cit., p.67).

payment levels.¹

Finally, we examined payment levels associated with changes from non-court to court enforcement, and vice versa. As we had expected, changes from formal, court enforcement to non-court (verbal and voluntary) enforcement were accompanied by an average decrease of -12% in support payment levels. Interestingly enough, although we would expect the reverse case to hold also, no significant increase in payments occurred with a transfer from non-court to court enforcement. The reason for this may be that we do not differentiate between probate and district court orders in the category of "court" enforcement. From the results obtained earlier, we know that criminal actions tend to produce higher levels of compliance, while probate actions produce higher levels of support delinquency. The inclusion of both civil and criminal actions in the same category could well cause offsetting results, so that no impact is apparent. With the exception of the results obtained for verbal modifications, all other results were confirmed when we applied a two-way analysis of variance to test for significant differences in payment compliance level changes across categories of enforcement change.² Significant differences observed were primarily due to the negative impact of civil actions and the positive impact of criminal actions for enforcement.

1. Recall from our earlier discussion that criminal action for non-support was the sole category of enforcement action producing significantly higher levels of compliance (see Table V-6).

2. The F-statistic for enforcement change groups was significant at the 99.9% level.

Level of Enforcement

The level of enforcement is defined as the total number of support enforcement actions taken against a father. In this subsection, we ask the following question: does paternal willingness-to-comply with a support order change with the level of enforcement? That is, do fathers tend to become less delinquent with subsequent enforcement initiatives?¹ It has been suggested that stricter levels of enforcement are applied against those fathers who are most "accessible" for purposes of enforcement,² often the most desitute who are least able to comply with support orders. We will therefore examine payment levels of fathers who have been classified as marginally employed (refer to Table IV-3), comparing these levels with those obtained for employed fathers in New Bedford. In particular, we are concerned with the payment response of both groups to different levels of enforcement. Although we would expect low-wage fathers to be more delinquent in support payments overall, we may also find that they comply more readily with stricter levels of enforcement. This result would tend to reinforce the notion that highest levels of enforcement are applied against the most "accessible" fathers with the least support potential.

1. The implication is that some cases are subject to higher levels of case monitoring. When the enforcement worker notices that a father's payment level has dropped, or stopped altogether, she or he will initiate further support enforcement action, generally criminal, against the father. We do not propose here to establish the reasons for higher case monitoring among certain groups of fathers, but rather to determine whether higher levels of enforcement appear more effective.

2. i.e. those fathers who are themselves occasional recipients of public assistance in the New Bedford region, or those who have "separated" from their wives in order that their families become eligible for AFDC assistance.

All cases in the New Bedford study file were aggregated into groups representing the total number of support actions taken against the father during the study period.¹ Up to five such actions per case were recorded. The average support compliance levels² for fathers with different numbers of enforcement actions are shown in Table V-9. Changes which occurred in the average level of payments with subsequent enforcement actions are provided in the 2nd through 5th columns of this Table. Overall net changes in support levels across all orders are recorded in the final column. A positive entry indicates an overall rise in payment levels with subsequent enforcement initiatives, a negative entry indicates a net decrease as subsequent orders are established against the father.

From Table V-9 we see that cases with the lowest level of support compliance are those involving a single support order, even though we would have expected highest levels of enforcement to be applied in these cases. Conversely, cases which had the highest initial levels of compliance are those in which strictest levels of enforcement have later been applied. In sum, the decision to initiate subsequent enforcement actions does not appear to be justified if we compare initial compliance levels of fathers. The decision to initiate further

1. We excluded all court actions involving orders which were zero (e.g. probate actions providing for Care and Custody of children only) or in which the amount of the support order was unknown. As a result, we found no cases involving five actions for support enforcement in the file, leaving a total of 677 cases in the subfile.

2. Defined as the percent of the support order actually paid by the father.

TABLE V-9. LEVEL OF COMPLIANCE BY LEVEL OF ENFORCEMENT
(average % of order paid)

# Support Actions Per Case	# Cases	%	Support Actions					Net Change
			1st	2nd	3rd	4th	5th	
1	394	58%	50.9	-	-	-	-	-
2	218	32	67.5	63.3	-	-	-	-4.2%
3	56	8	66.3	72.1	66.8	-	-	+0.3%
4	9	1	85.0	84.4	73.9	67.1	-	-6.0%
5	0	0	-	-	-	-	-	-
TOTAL = 677 100%								

support action appears to be less related to punitive measures than to a conscious policy to pursue those with the highest support potential.

Note, however, that although initial levels of support are high among these fathers, they fall off substantially with subsequent enforcement. In fact, levels of compliance decrease uniformly in all categories of enforcement level with each succeeding enforcement action. This suggests that father who may initially be cooperative with the enforcement effort become discouraged by subsequent enforcement. A second reason for the reduction in payment levels may be that fathers become inured to the threat of court action.

It has also been suggested that strictest levels of enforcement are applied against fathers who are least able to support their families. We decided to test this theory by comparing the payment levels of fathers who were employed throughout the study period with those who experienced irregular employment (the so-called marginally-employed)¹ across various levels of enforcement. The results are shown in Table V-10a.² First, we found that higher levels of enforcement were generally employed against employed, rather than marginally-employed, fathers: 43% of employed fathers had more than one order for support, compared with 38% of marginally-employed fathers. This

1. A full list of marginal employment categories appears in Table IV-3 of Chapter IV.

2. Table V-10b provides the number of cases in each cell category.

TABLE V-10a. LEVEL OF COMPLIANCE BY LEVEL OF ENFORCEMENT AND EMPLOYMENT STATUS OF FATHER
(average % of order paid)

Level of Earnings (net weekly)	Employed				Marginally Employed ^a			
	1 order	2 orders	3 orders	\bar{X}	1 order	2 orders	3 orders	\bar{X}
\$ 1 - 75	46.1%	60.3	57.6	54.7	25.1	64.5	50.4	46.7
76 - 100	49.4	63.6	72.0	61.7	45.1	56.4	79.4	60.3
101 - 125	55.2	62.4	65.9	61.2	49.9	49.9	82.8	60.9
126 - 150	47.2	75.2	73.3	65.2	56.2	57.3	67.1	60.2
151 - 175	67.3	72.7	83.6	74.9	41.9	90.0	75.0	69.0
176 - 200	66.8	84.5	33.3	61.5	39.9	52.3	68.3	53.5
200+	55.8	64.5	81.1	67.1	56.2	61.0	32.5	49.9
\bar{X} =	55.4	69.2	66.7	63.8	44.9	61.6	65.1	57.2

^a A complete list of marginal employment categories is provided in Table IV-3.

TABLE V-10b. LEVEL OF COMPLIANCE BY LEVEL OF ENFORCEMENT AND EMPLOYMENT STATUS OF FATHER
(number of cases per category)

Level of Earnings (net weekly)	Employed					Marginally Employed ^a				
	1 order	2 orders	3 orders	TOTAL	%	1 order	2 orders	3 orders	TOTAL	%
\$ 1 - 75	19	10	7	36	8	28	9	2	39	19
76 - 100	42	19	9	70	15	33	12	6	51	25
101 - 125	76	34	12	122	26	31	20	3	54	27
126 - 150	59	31	11	101	21	17	9	3	29	14
151 - 175	26	24	3	53	11	2	2	1	5	2
176 - 200	22	15	1	38	8	3	3	2	8	4
200+	23	25	4	52	11	11	4	1	16	8
SUBTOTALS =	267	158	47			125	59	18		
	(57%)	(33%)	(10%)			(62%)	(29%)	(9%)		
TOTAL =				472					202	
				(70%)					(30%)	

^a A complete list of marginal employment categories is provided in Table IV-3.

tends to refute the theory of punitive enforcement against those least able to pay support, while it reinforces the theory that highest levels of pursuit are employed against those with the highest support potential (i.e. higher earning fathers). Indeed, higher-earning fathers who are employed are more likely to have two or more order for support than high-earning marginally-employed fathers. Second, we find that marginally-employed fathers tend uniformly, across all categories, to be more delinquent following support orders than employed fathers. Third, it was nevertheless clear that stricter levels of enforcement yielded higher levels of compliance among both employed and marginally-employed fathers. Average increases in support were roughly proportional for both groups.¹ A two-way analysis of variance was used to test for significant differences in compliance between employed and marginally-employed fathers. F-statistics were significant at the 99.9% level. The effect of earnings, however, is to increase the likelihood that a father will be subject to strict enforcement, which we assume is related to his higher ability-to-pay, and therefore support potential.

1. These results are not incompatible with results obtained in Table V-9. Column entries in Table V-10a correspond with row entries in Table V-9. Both Tables show that fathers with just one order for support are typically less compliant than fathers with more than one order for support. Although fathers may gradually become less compliant with subsequent orders, overall levels of support compliance among those with more orders are higher on average.

2. In the California study, it was found that fathers who were most difficult to locate were among those with the highest support potential (Arthur Young & Co. op.cit., p.67).

D. PATERNAL SUPPORT AND WELFARE DEPENDENCY

Enforcement and Welfare Status in New Bedford

Paternal support payments may have a direct impact on the welfare status of the family if, and only if, they exceed the family's AFDC grant amount. The average level of AFDC benefits received by a family of two in 1976 in Massachusetts was \$272 per month. At the same time, the average support payment made by fathers participating in the New Bedford IV-D program was only \$115 per month. Unless the family has some alternative sources of income, which serve to reduce the AFDC grant amount, there is very little chance that paternal support payments will effect the family's release from welfare. In approximately one-third of all New Bedford AFDC families, the mother is employed at least part-time. AFDC grant levels may also be adjusted by the amount of public assistance received by the family from other sources, e.g. Unemployment Compensation, Medical Assistance, Disability or Old-Age Insurance, etc.).¹ The mechanism of AFDC case closure generally works in the following way: maternal wage earnings or other income reduce the overall level of benefits received per month, so that paternal support amounts may more readily exceed the family's AFDC grant amount.

In this subsection, we will briefly analyze the direct impact of IV-D enforcement on the welfare status of New Bedford families.

1. The relative contribution of alternate sources of income to the family budget has been analyzed by Martin Rein and Lee Rainwater, "Sources of Family Income and the Determinants of Welfare", Working Paper, Joint Center For Urban Studies - M.I.T. and Harvard University (May 1976).

Although many families in Massachusetts receive AFDC grant amounts that are lower than the average levels of monthly assistance, substantial reductions are less likely in a low-income region with high levels of unemployment, such as New Bedford. In any event, the AFDC grant levels of families do undergo frequent revisions according to the relative availability of income from other sources.

There are several ways of measuring the impact of support enforcement on welfare status. One way would be to examine the rate of AFDC case closure both prior to, and following, the inception of the Child Support Enforcement Program. Even more accurate an approach would be to follow the AFDC histories of individual families before, and after, enforcement proceedings against the father. Both methods would provide only gross estimates of AFDC turnover, however, with little guarantee that observed discrepancies were due solely to the strict enforcement of paternal support obligations. Moreover, we have no data on AFDC cases prior to the establishment of paternal support orders. All cases on the New Bedford study file became active for support purposes immediately following the family's first application for AFDC. A second approach to the problem would be to obtain full details of each family's budget, noting all changes in both AFDC grant and paternal support levels, in order to relate these to welfare status changes. This task was considered too costly and time-consuming. Moreover, it was unnecessary, because the New Bedford files contained full records of all AFDC status changes together with the dates and primary reason for the change in eligibility. Although we recognize that case closures are often the result of multiple factors, including paternal support payments, the following statistics provide strong evidence that enforcement of

support has very little impact on welfare dependency in a low-income region.

Only eight cases out of a total 682 on the New Bedford study file were closed primarily because the support payments of the absent father exceeded the family's AFDC grant amount. In another six cases, both paternal support and maternal wage earnings were listed as primary reasons for the case closure. A further 6.3% of cases were closed solely due to maternal wage earnings in excess of the family's grant amount. And finally, in 5.4% of cases, the case was closed at the request of the mother. IV-D support workers in New Bedford affirmed that a majority of mothers who request a case closure do so because she has received a wage increase or found a higher-paying job. We may assume that in all cases where the mother is working, the family's AFDC grant level is lower than average, and therefore the likelihood of paternal support payments exceeding the AFDC grant are higher. If paternal support is not listed as the primary reason for case closure, however, we must assume that the mother's earnings were responsible for case closure, because even in the absence of paternal support, her wages would have exceeded the AFDC grant amount. These statistics present a bleak picture of welfare dependency and family poverty.

Even more disturbing is the fact that the vast majority of these cases later re-open due to subsequent loss or reduction in paternal support or maternal earnings.¹ Since non-welfare families in Massachusetts

1. This problem has been examined by Bennett Harrison, "How American Households Mix Work and Welfare: The Work-Welfare Tradeoff", (Unpublished Discussion Paper, M.I.T., February 1978).

are forced to rely on costly private means of support enforcement, the chances of remaining independent of welfare where the father has reverted to support delinquency are slim. To summarize, the problem of non-support is closely associated with levels of family poverty. For the destitute family on AFDC, the chances of achieving welfare independence solely through the enforcement of paternal support obligations are very low. The prospects for maintaining independence are just as low, given the high rates of recidivism among nonsupporting fathers¹ and the poor employment prospects of both parents.

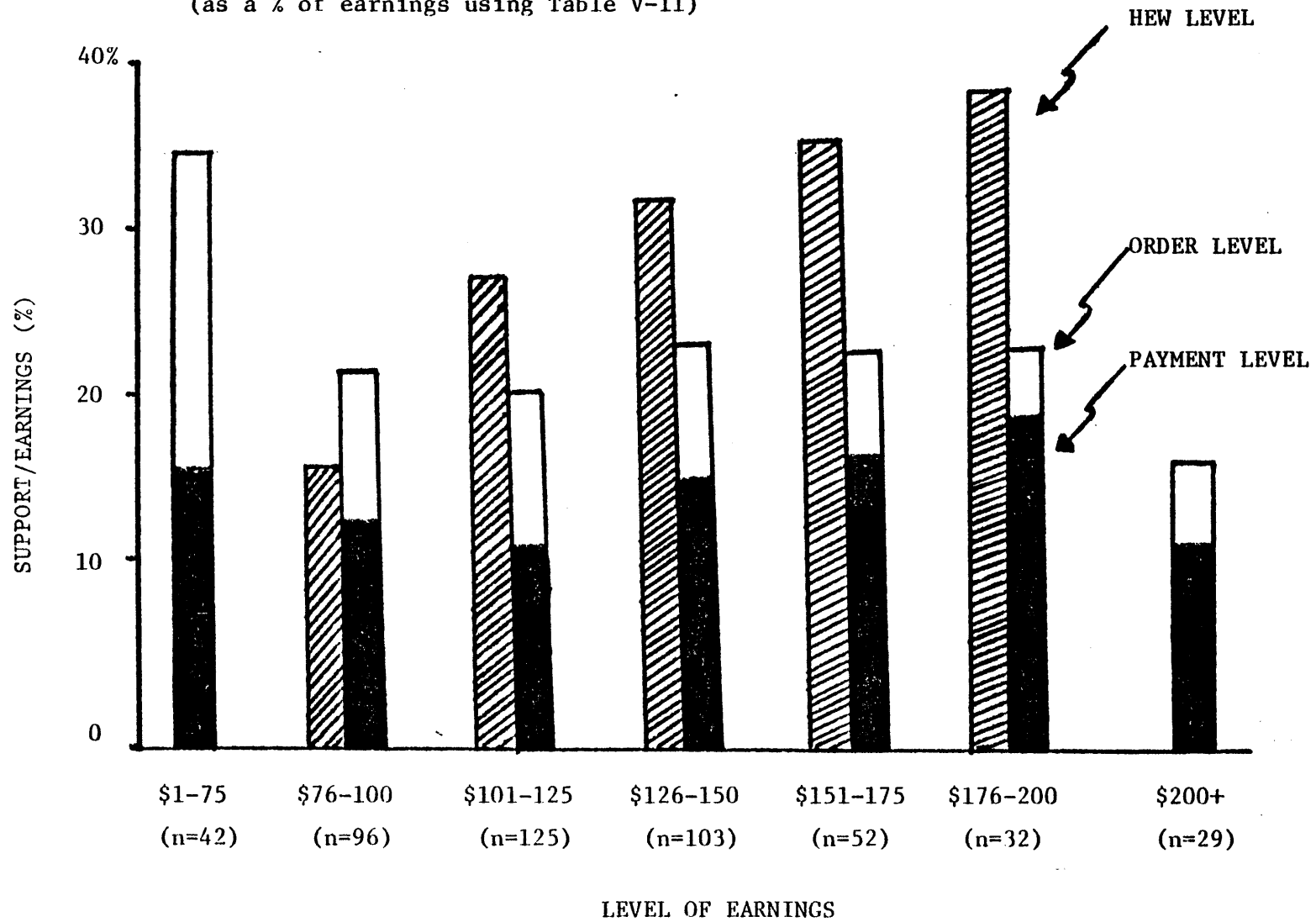
The Impact of Lax Enforcement and Non-Compliance

In the previous subsection, we found that very few families in New Bedford achieved lasting welfare independence through the enforcement of paternal support. These support levels are determined primarily by: (a) the willingness of IV-D unit workers and the court judges to adhere to HEW support guidelines;² and (b) paternal willingness-to-comply with support orders. In this subsection, we summarize our earlier findings from Section C in graphic form to illustrate the relative contribution of both factors toward the low levels of support in New Bedford.

The histogram in Figure V-a shows the differences between HEW

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1. In five of the eight cases where paternal support payments exceeded the family's AFDC grant amount, the fathers reverted to total nonsupport.
 2. Assuming HEW levels prescribe minimum ability-to-pay.

FIGURE V-a. COMPARISON OF SUPPORT LEVELS IN NEW BEDFORD, MASSACHUSETTS
(as a % of earnings using Table V-11)



support levels, New Bedford support order levels, and paternal payment levels in New Bedford.¹ All support levels are depicted as a percentage of earnings.² The number of cases represented by each earnings group appears at the base of each column in the histogram. In each column, the shaded area represents the level of child support recommended by HEW, the adjacent unshaded area the level of support established against New Bedford fathers, and the opaque section below represents the average level of support payments made by New Bedford fathers. Support levels were obtained by weighting support percentages (available from Tables V-1b, 2b, and 4b) by the number of cases in that category of earnings.

Note the progressive trend in the HEW support guidelines (shaded columns in Figure V-a), where progressively higher percentages of earnings are recommended for support as ability-to-pay increases. If a one-third support standard was recommended instead, the height of these columns would be approximately the same. Referring to the adjacent unshaded columns, we find that this is indeed the case for support order levels established in New Bedford. There are two outstanding exceptions to the uniform pattern in support orders, however: substantially higher levels are required from lowest-earning fathers, while substantially lower levels are required from high-earning fathers.³

1. Figure V-a, based on statistics from Table V-11, provides a graphic representation of these support levels across various levels of earnings. In Figures V-b through e, support levels are disaggregated by family size.

2. Standard levels of earnings used throughout this thesis are also provided here, although we include also the lowest (\$1-75) and highest (\$200+) categories as well, for which corresponding HEW levels are not available.

3. Refer to first and last columns of Figure V-a.

TABLE V-11. AVERAGE SUPPORT LEVELS^a
(as a % of earnings)

Level of Earnings (net weekly)	HEW Recommended Guidelines	New Bedford Support Orders	New Bedford Support Payments
\$ 76 - 100	16.8%	22.1	13.0
101 - 125	28.0	20.8	11.7
126 - 150	32.4	24.1	15.6
151 - 175	25.6	23.6	16.7
176 - 200	38.4	23.6	19.6
\bar{X} =	30.2%	22.8%	15.3%

^a Statistics used in Figure V-a.

FIGURE V-b. COMPARISON OF SUPPORT LEVELS IN NEW BEDFORD, MASSACHUSETTS
FOR FATHERS WITH ONE DEPENDENT
(as a % of earnings using Tables V-1b, 2b, and 4b)

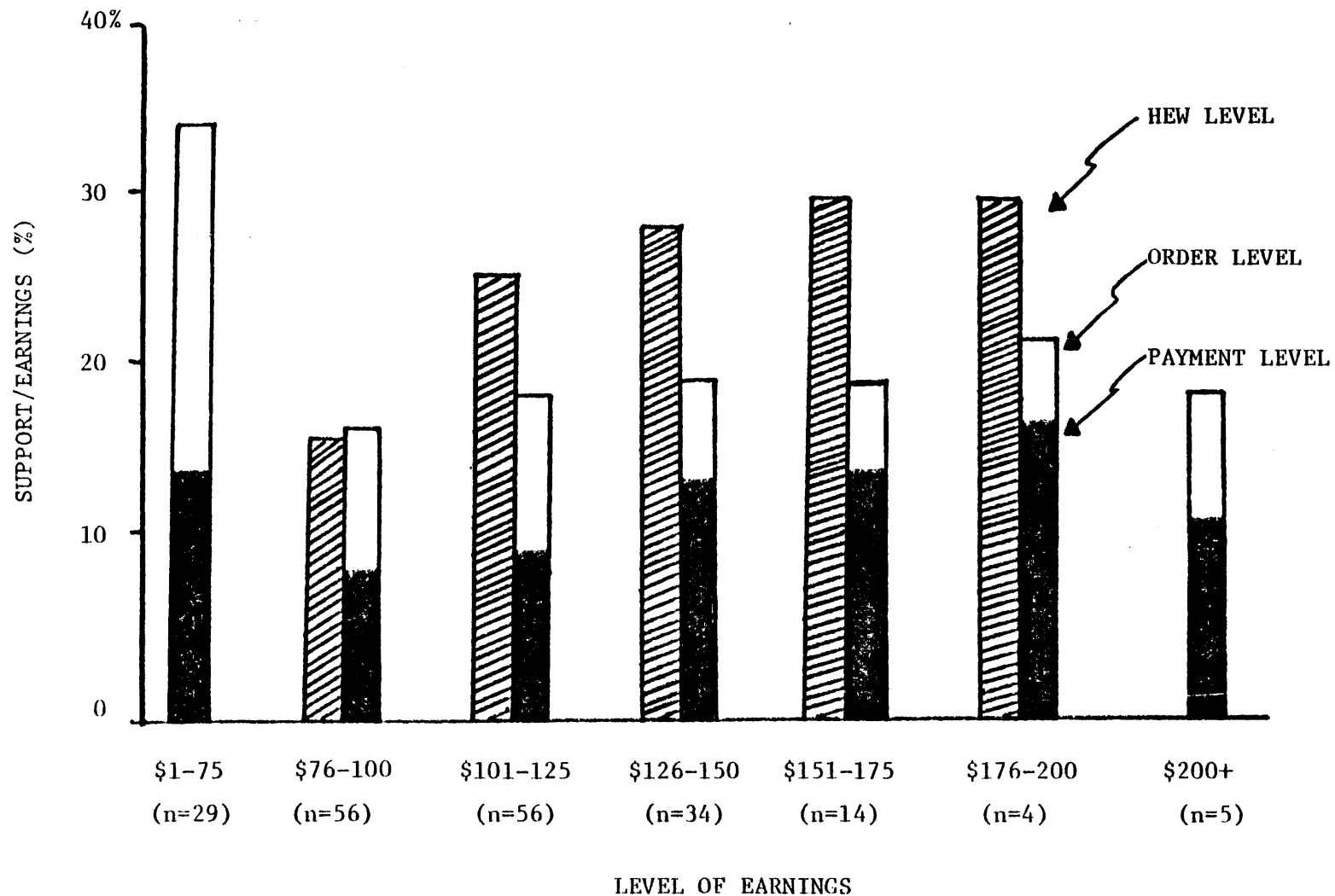


FIGURE V-c. COMPARISON OF SUPPORT LEVELS IN NEW BEDFORD, MASSACHUSETTS
FOR FATHERS WITH TWO DEPENDENTS
(as a % of earnings using Tables V-1b, 2b, and 4b)

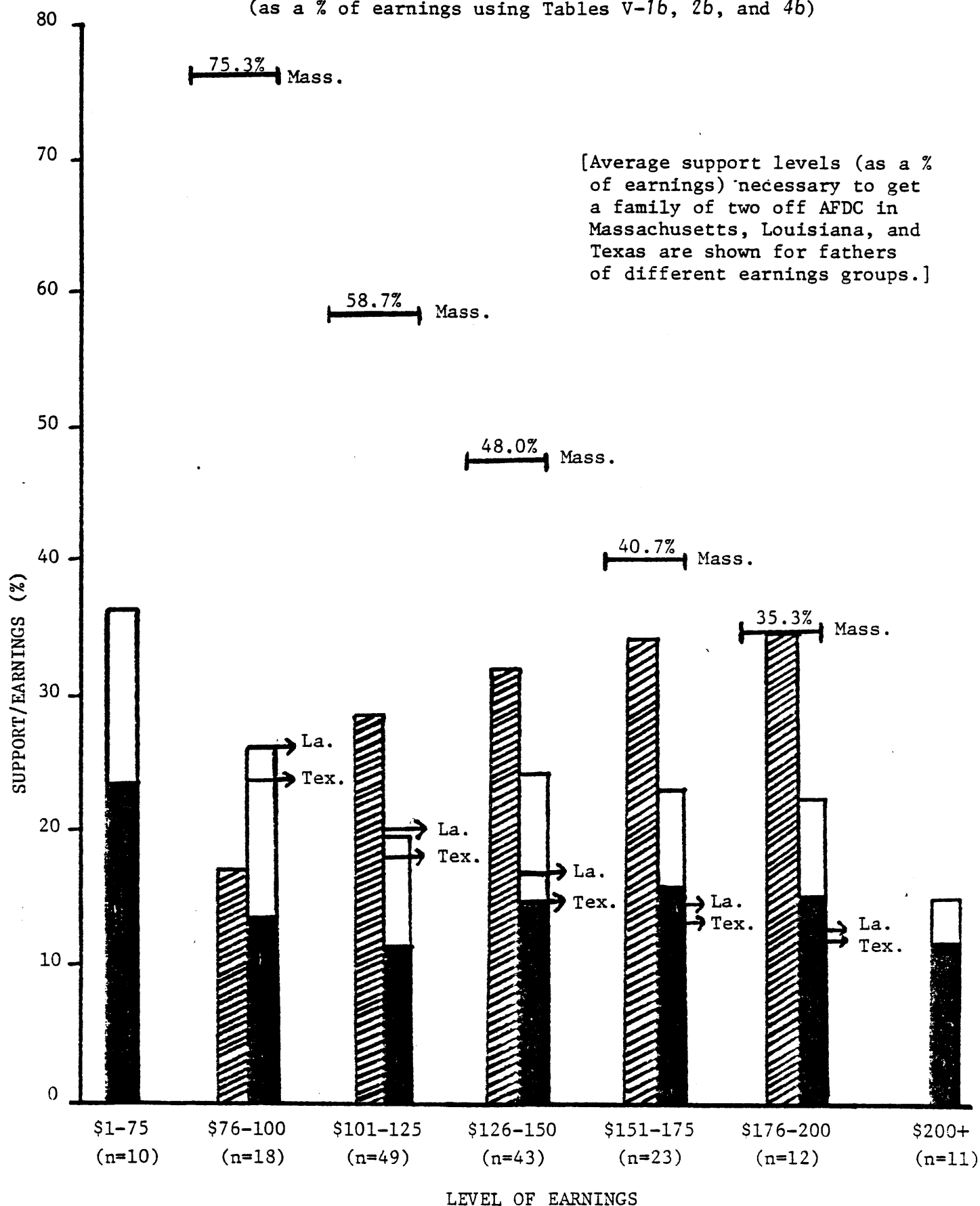


FIGURE V-d. COMPARISON OF SUPPORT LEVELS IN NEW BEDFORD, MASSACHUSETTS
FOR FATHERS WITH THREE DEPENDENTS
(as a % of earnings using Tables V-1b, 2b, and 4b)

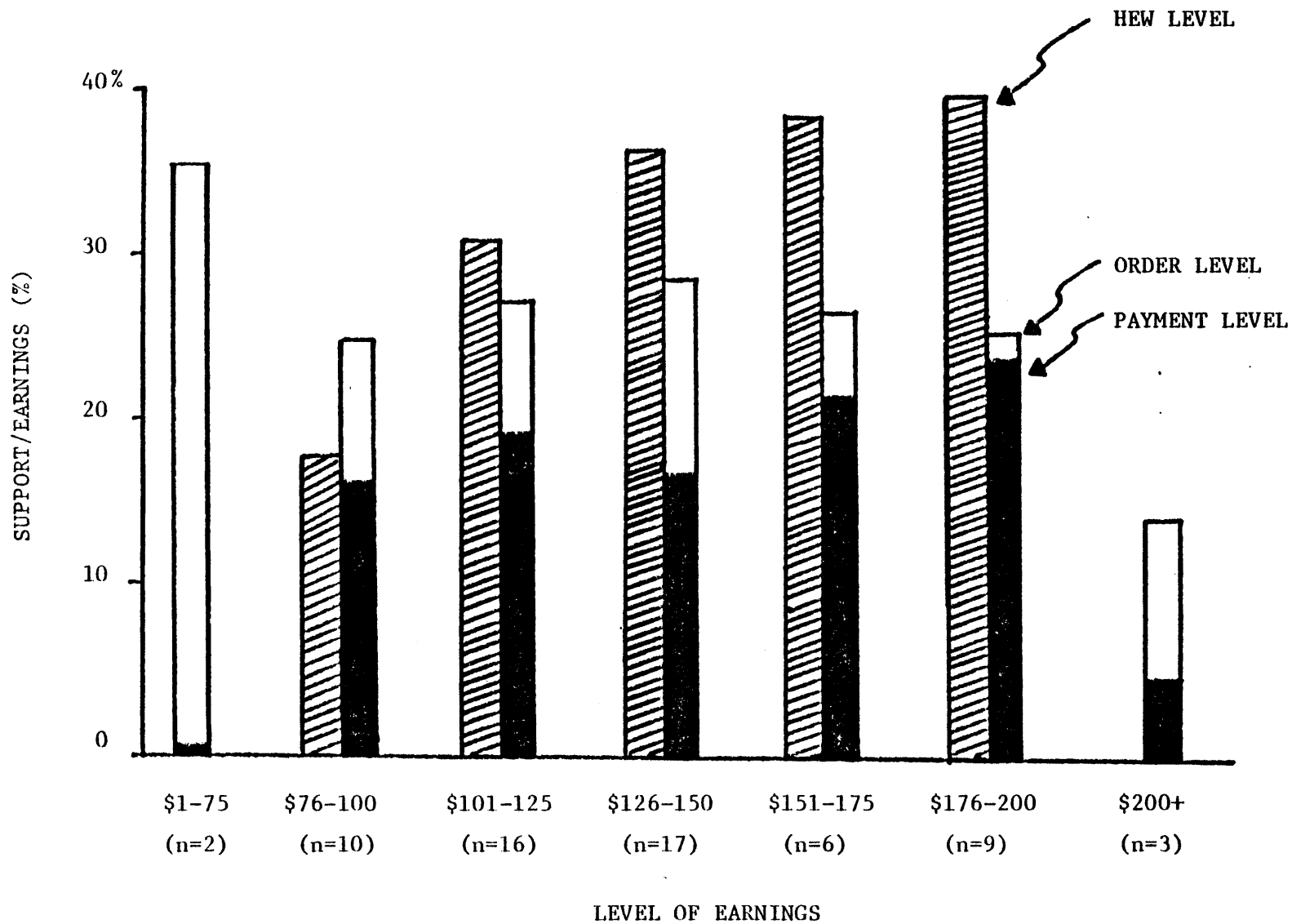
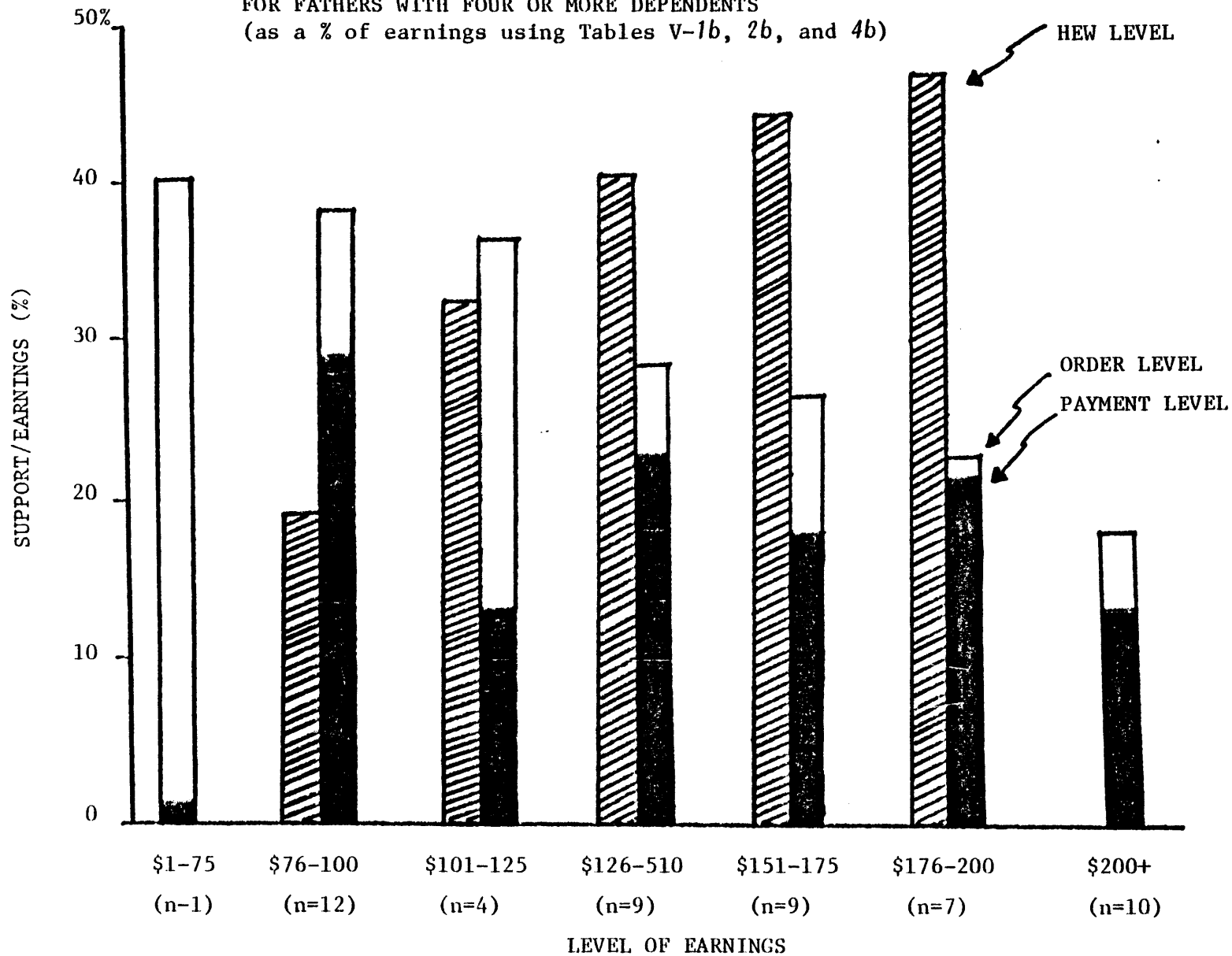


FIGURE V-e. COMPARISON OF SUPPORT LEVELS IN NEW BEDFORD, MASSACHUSETTS
FOR FATHERS WITH FOUR OR MORE DEPENDENTS
(as a % of earnings using Tables V-1b, 2b, and 4b)



Note that support order levels required from fathers earning less than \$100 net per week actually exceed HEW levels. The histogram shows a markedly regressive pattern in the application of support standards in New Bedford.

This observation is confirmed when we disaggregate by family size, shown in Figures V-6 through 8. New Bedford fathers are required to pay relatively lower support levels as the number of their dependents and their level of earnings increase (i.e. the height of unshaded columns falls). Highest levels of support are required from poor fathers with largest families, while lowest levels are sought from non-poor fathers with large families. This can be seen in Figure V-8, where we find the regressive trend in support order levels has sharply accelerated, and the differences between HEW levels and New Bedford order levels in outlying categories even greater.¹

Turning now to payment levels in New Bedford, we find that levels are fairly uniform across earnings groups (see Figure V-a), although higher earning fathers tend to pay slightly higher levels of support. Conversely, low-earning fathers pay somewhat lower percentages of their support orders. However, when payment levels are viewed in relation to HEW, rather than New Bedford, order levels, low-earning fathers appear to be the least delinquent group. Disaggregating by family size,

1. Although we find the same regressive trend in all categories of family size, order levels for fathers with one dependent may be slightly progressive. However, if we include in our consideration the two outlying categories (i.e. the highest and lowest earners), we find the progressive trend dominates.

we see that most fathers pay higher percentages of their earnings toward support as family size increases. This is not true, however, for highest earners. On the other hand, low-earning fathers manage to pay high percentages of their earnings toward support of large families. This suggests that, in spite of the relatively high orders established for these fathers, they are in fact able to comply. Conclusions regarding the delinquency levels of New Bedford fathers depend to a large extent on the standard used for appraisal (viz. HEW or local order levels).

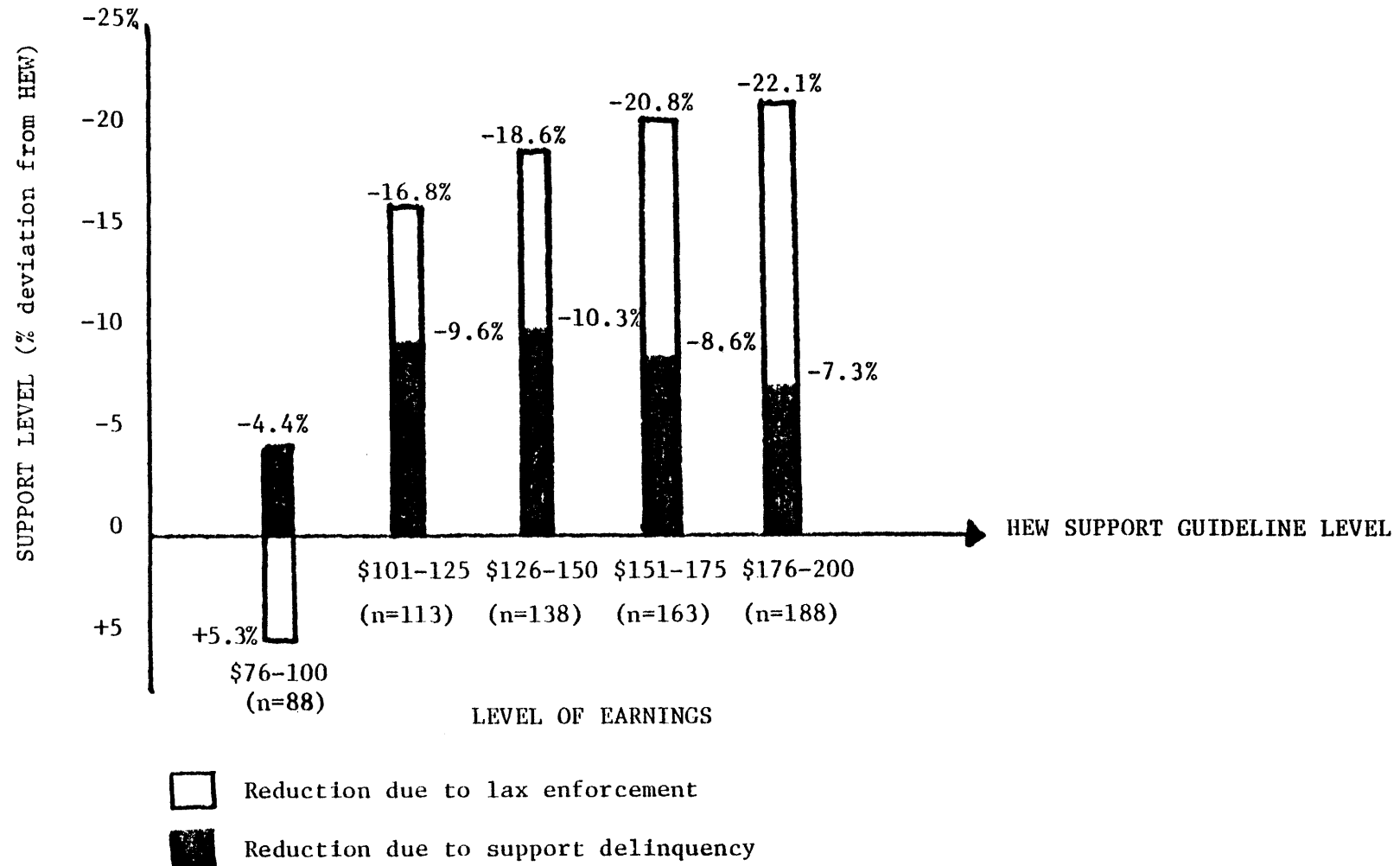
A simpler way to view the relative impact of lax enforcement¹ and paternal delinquency on support levels is shown in Figure V-3, where we have graphed the percentage reduction in support caused by both factors. The horizontal line represents HEW support levels across all earnings groups. The height of any column above this line shows the departure from the HEW standard for any earnings group. The shaded portion of each column represents the percent by which HEW support levels for that group were reduced by paternal delinquency. The clear section of each column shows the additional reduction due to lax enforcement of HEW support guidelines.²

First, observe that lax enforcement is responsible for at least 50%, and up to 70%, of support level reductions for higher-earning groups. The graph also shows that the compliance levels of low-earners

1. Defined as non-adherence to HEW minimum support guidelines.

2. Opaque and clear sections of each column, representing payment delinquency and lax enforcement respectively, have been assumed independent of each other in our analysis. We know, however, that payment levels are affected by mode and level of enforcement. It also seems clear that paternal payment levels determine to some extent future levels set by IV-D and the courts.

FIGURE V-6. SUPPORT LEVEL REDUCTIONS IN NEW BEDFORD, MASSACHUSETTS
(as a % of earnings)



is sufficiently high that they approach more closely than any other group the HEW guidelines levels for support.¹ From the point of view of the family on welfare, particularly those with high-earning fathers, the major cause of their continuing dependency on welfare may well be the fact that IV-D and the courts have not established order levels commensurate with their ability-to-pay.

If we assume full paternal compliance and strict adherence to HEW standards for support, what is the likelihood of achieving a welfare rollback? In order to answer this question, we refer the reader back to Figure V-c, where we have included with support level estimates the average AFDC grant levels of families in relation to support. We obtained average weekly grant levels in the following way. First, we recorded the monthly AFDC grant levels in three states: in Massachusetts, where the level of benefits is among the highest in the nation, and in Louisiana and Texas, where the level of benefits is lower than in most other states.² We then estimated weekly grant levels, dividing by 4.1. This amount was then calculated as a percent of the mid-point in each earnings category to obtain the average percent in each state which would be required in support from a father to effect his family's release from welfare.

1. Payment levels tend to be higher for those groups required to pay higher percentages of their earnings. It is possible that the higher levels of delinquency observed among low-earning fathers is a function of the inflated (*viz.* beyond HEW) levels of support required of these fathers. On the other hand, while high-earners may pay relatively high percentages of their total orders, these amounts represent a relatively low proportion of their earnings.

2. As of July 1976, the AFDC monthly grant level for a family of two in Massachusetts was \$272, in Louisiana \$96, and in Texas \$86. Weekly grant levels were \$61.20, \$23.40, and \$21.00 in Massachusetts, Louisiana, and Texas, respectively.

For example, a father earning between \$76 and \$100 per week (second column) would have to pay approximately 75% of his earnings toward support in order to effect his family's release from welfare in Massachusetts. However, the same father in Louisiana would be required to pay only 27% of his earnings, while a father in Texas would have to pay just 24%. Assuming that the support order levels established in Louisiana and Texas courts are approximately the same as in Massachusetts, we see that fathers in both these states would have been ordered to pay amounts in excess of their families' AFDC grant levels. If we also assume that fathers in Louisiana and Texas are as delinquent in support as their brothers in Massachusetts, we would find, however, that most families remained on welfare.

If we perform the same exercise for fathers earning in excess of \$150 per week, we find that paternal payment levels would be high enough to force families in Texas and Louisiana off welfare. On the other hand, the average level of support (as a percent of earnings) required to release a family from AFDC in Massachusetts is so high that only fathers earning in excess of \$176 per week could afford to pay sufficient amounts. Note, moreover, that this would still be impossible if enforcement officials refused to adhere to HEW support standards.

To summarize, we would expect significant rollback in the welfare populations of states in which the level of AFDC benefits is lowest.¹

1. OCSE recently reported that a rollback of 29,000 AFDC families had occurred in 29 states as a direct result of the IV-D Program. Preliminary analysis of this data is expected to reveal that most significant rollbacks were achieved in states which had lowest relative levels of AFDC benefits.

Similar rollbacks appear highly unlikely in states with high benefit levels, such as Massachusetts, given the average earnings level of fathers participating in the IV-D program. If HEW standards for support were strictly applied for fathers earning in excess of \$200 net per week in Massachusetts, their families might achieve welfare independence. The greatest potential for welfare independence thus exists in the future willingness of IV-D and the courts to adhere to HEW standards for high-earning fathers.¹

1. We stress, however, that welfare independence may be short-lived for those families who do achieve it through paternal support enforcement.

E. CHILD SUPPORT ENFORCEMENT AND FAMILY STRUCTURE

Poverty and Family Instability

Family instability tends to be higher in areas with high unemployment.¹ It has been shown that financial problems strain family relationships as parents face prolonged bouts of unemployment and an uncertain economic future.² Although family dissolution is caused by several inter-related factors,³ when the effects of education, occupation, and income are considered together, the critical factor is generally income, and income, rather than earnings level per se, is heavily dependent on employment stability, job duration, and lack of employment experience.⁴ Rates of family dissolution are particularly high among poor families facing low regional wages and lack of employment opportunities.⁵ Fathers often leave

1. Gary S. Becker et al., "An Economic Analysis of Marital Instability", J. Pol. Econ. (December 1977) vol. 85, no. 6, pp. 1141-1188; Hugh Carter and Paul C. Glick, Marriage and Divorce: A Social and Economic Study. (Harvard University Press, Cambridge, 1976).

2. P. Cutright, "Income and Family Events: Marital Instability", J. Marriage and the Family (May 1971) vol. 33, pp. 291-306; Michael Hannan, "Income and Marital Events", Amer. J. Sociol. (May 1977) vol. 82, pp. 1186-1211; Greta Miao, "Marital Instability and Unemployment Among Whites and Non-Whites. The Moynihan Report Revisited - Again", J. Marriage and the Family (1974) vol. 36, no. 1, pp. 77-86.

3. Cutright, op.cit.

4. Robert Hampton, "Marital Disruption: Some Social and Economic Consequences", Ch. 4 of Vol. III, Five Thousand American Families - Patterns of Economic Progress, (Eds.) Greg J. Duncan and James N. Morgan (Institute For Social Research, University of Michigan, Ann Arbor, 1975).

5. Virginia A. Hiday, "Parity and Well-Being Among Low-Income Urban Families", J. Marriage and the Family (November 1975) vol. 37, pp. 789-797.

home in search of employment outside the region. Unemployed fathers, unwilling or unable to obtain unemployment compensation from the Department of Employment Security, leave their families in danger of becoming welfare-dependent.

In high unemployment areas, we therefore also find that welfare dependency is greater: more families apply and are eligible for benefits, AFDC turnover rates are lower,¹ and the family tends to stay longer on AFDC.² A major requirement for AFDC eligibility is that no "able-bodied male" is present in the home.³ It is not surprising to find, therefore, that maritally-intact families in desperate need of some form of public assistance "separate" in order to become eligible for AFDC. The incentive for family dissolution (informal), inherent in welfare policies governing eligibility, has been well documented.⁴ It would be erroneous to conclude that these couples are obtaining welfare aid under a false pretext of "separation". Physical separation does occur in most cases, even though many such fathers prefer to remain close to their families, living with relatives or friends. In addition to the high costs of maintaining separate residences and/or of undertaking a job search, we should not

1. The pattern of turnover among AFDC cases is typically high. See Martin Rein and Lee Rainwater, "Patterns of Welfare Use", Working Paper, Joint Center For Urban Studies - M.I.T. and Harvard University (1978).

2. Michael J. Boskin and Frederick C. Nold, "A Markov Model of Turnover in AFDC", J. Human Resources (1975) vol. X, no. 4, pp. 467-481.

3. Hiday, op.cit., p. 792.

4. Piven and Cloward, op.cit., pp. 224-225; Marjorie Honig, "AFDC Income, Recipient Rates, and Family Dissolution", J. Human Resources (Summer 1974) vol. 9, p.304; Catherine S. Chilman, "Families in Poverty in the Early 1970's: Rates, Associated Factors, Some Implications", J. Marriage and the Family (February 1975) vol. 37, p. 53; Miao, op.cit., p. 84; Michael Hannan et al., The Impact of Income Maintenance on the Making and Breaking of Marital Unions: Interim Report. Research Memo #28 (Stanford Research Institute, June 1976).

underestimate the high psychic and emotional costs associated with separation, particularly among couples who for all other purposes are maritally intact.¹ Most AFDC workers will agree that the decision to separate is a response on the part of the parents to economic stress and perceived economic opportunities. We can therefore only assume that these couples decide to "separate" because the benefits provided under AFDC exceed the costs of separation.² Unfortunately, for destitute couples, the separation may become semi-permanent or even permanent as the couple finds they are unable to maintain themselves on wage earnings alone.

The "Discouragement" Effect

In the previous Section of this Chapter, we showed how the welfare status of families was rarely affected through support payments in excess of the families' AFDC grant amounts. In this Section, we examine the indirect impact of enforcement on welfare-dependent families. Preliminary evidence suggests that marginal welfare families may be discouraged from welfare dependency by the enforcement of support. These "discouragement" effects associated with enforcement of support would be particularly

1. The language describing marital states is far too simplistic. We recognize the inadequacy of terms which have developed out of the need to distinguish between eligibles and ineligibles for purposes of public assistance. Unfortunately, no alternatives are available at present.

2. Hampton, op.cit., p. 172; Honig, op.cit., p. 316.

evident among those couples who had previously decided to "separate" in order to obtain welfare grants, i.e. those couples who have not effected final and permanent marital dissolution. The substantial number of "reconciliations" occurring immediately following enforcement initiatives against the father reinforces the notion that many reconciling couples had originally separated in order to obtain welfare benefits.

We argued above that the decision to "separate" may be entirely founded in economic necessity for the destitute couple. Similarly, the decision to "reconcile" may well be determined by the level of AFDC benefits available to the family, as these are weighed against the costs of separation. In the case of the maritally-intact couple who have separated in order to obtain welfare, the new costs of child support enforcement required from the father may force a reassessment of the relative benefits of remaining on welfare. That is to say, the level of AFDC benefits is effectively reduced for these couples by the amount of child support required of the father.

Indeed, the decision to "reconcile" does appear to be closely related to the initiation of support enforcement proceedings against the father. Frequently a mother will request the closure of her AFDC case within 48 hours following IV-D notice to the father of impending support enforcement action.¹ Almost invariably, the reason given by the mother for

1. Some of these "reconciliations" (and case closures) occur so rapidly that the event is not recorded in the IV-D office files. In other cases, the mother may request case closure because the family is moving out of the region. AFDC workers suspect some of these cases may involve families who intend to re-apply for welfare outside the region in the hope that enforcement proceedings will be dropped. In other cases, the mother will offer no reason for her decision to terminate the family's grant. Occasionally, the father has threatened physical, or psychological, harm to the mother or children if enforcement proceedings continue. IV-D workers generally assume that if the mother is truly destitute she will cooperate with enforcement efforts in order to obtain her grant.

following the establishment of the support order. 70% occurred in the first nine months following the order for support. The remaining reconciliations occurred more than a year after the order, and were considered unrelated to support enforcement.

Recall that AFDC cases typically show high turnover. We were interested to see whether these cases involving enforcement-related reconciliations stayed off welfare. This would show that IV-D enforcement had not only effected a rollback among marginal welfare couples, but had also discouraged applications and re-applications among marginal welfare families. Of those couples who reconciled, 19% remained off welfare permanently. However, fully 78% of reconciled couples later re-applied for AFDC on the grounds that they had re-separated. This evidence strongly suggested that a majority of marginal welfare couples are unable to maintain themselves adequately in the absence of some form of public assistance. Of those couples who re-separated, one-third remained separated, while the remaining two-thirds of couples underwent multiple separations and reconciliations throughout the study period.

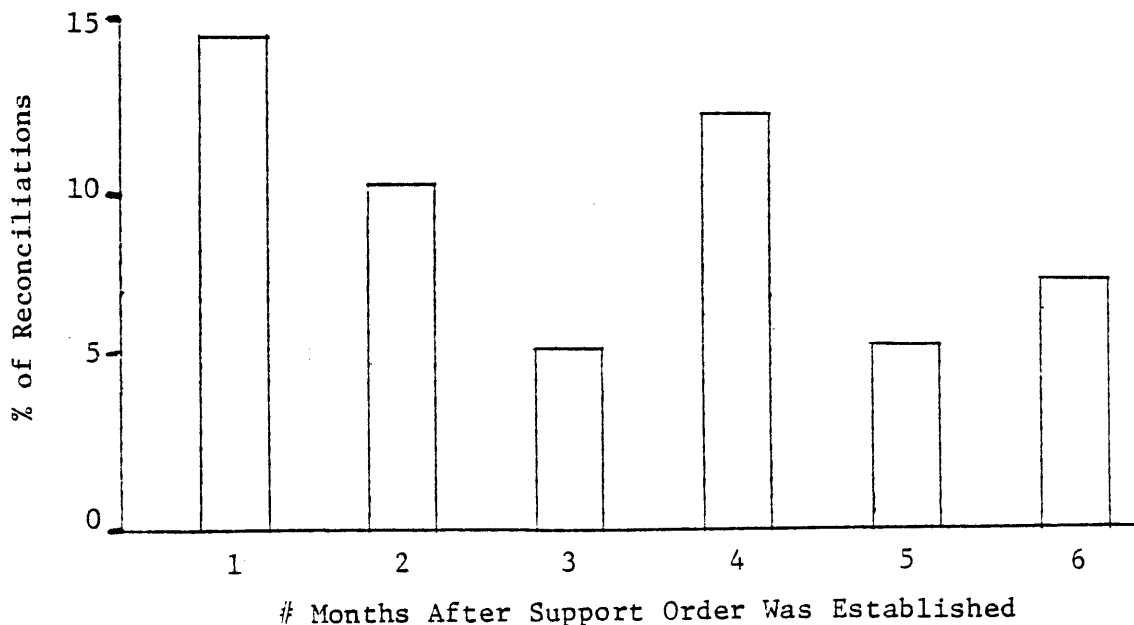
We wondered whether fathers of families who were "hard-core" welfare-dependent¹ were in some discernible way different from those who continually entered and exited from AFDC. Specifically, we asked whether the support payment levels of fathers of marginal welfare families were relatively higher than for families who stayed on welfare. At the outset, we knew that a majority of single mothers were in the category of "hard-

1. i.e. those families who remained on AFDC throughout the study period. Note, however, that we did not adjust our subfile in any way for cases which only recently entered AFDC, and therefore might well be assigned to another category (for example, multiple movers) if we observed them over a longer period of time. We later compiled a subfile of cases excluding those which had first opened subsequent to 1976. The adjustment did not result in any significant changes in category size or compliance levels obtained in the following analysis.

case closure is that she and her husband have "reconciled". In 46% of all case closures (representing 29% of all cases on the study file), the reason for case closure provided was the "reconciliation of the couple".

If reconciliation occurs simultaneously with support enforcement initiatives, we would strongly suspect that the couple was discouraged from continued dependency on welfare. If the couple reconciles several months after the establishment of a support order, a similar conclusion might be reached. However, if a couple reconciles many months or years after a support order has been established, we would assume that the decision to reconcile was made relatively independent of whether support was being enforced against the father. The histogram provided in Figure V-g shows the percentage of reconciliations occurring in the months following the establishment of a support order against New Bedford fathers.² 57% of all post-order reconciliations occurred within six months

FIGURE V-g. PERCENTAGE OF RECONCILIATIONS OCCURRING SUBSEQUENT TO THE ESTABLISHMENT OF A SUPPORT ORDER



core" welfare dependants. Possibly the fathers associated with these families tended to pay lower support, contributing to their continued dependence on welfare. Conversely, payment levels might be lower among fathers of families forced to frequently separate from their families because of irregular or inadequate wage earnings.

We disaggregated cases into: (1) cases involving "hard-core" welfare families (i.e. those who never moved off welfare subsequent to their first application); (2) cases which remained closed following the termination of the grant; (3) cases with multiple AFDC case openings and closures due to multiple separations and reconciliations by the couple; and (4) cases which involved multiple AFDC entries and exits which were not due to changes in marital structure. Each category was then further subdivided by marital status into those involving single mothers, those couples who were married and informally separated, and those couples who had obtained a legal separation or divorce, or in which the mother was married to a man other than the father.

We then obtained the average order level, payment level, and paternal earnings level associated with each group. In brief, we found that the average earnings level of fathers associated with single mothers was relatively low, as was the order level for these fathers as a percent of earnings. However, since single mothers were represented fairly uniformly across all categories of welfare, the poverty of these fathers did not seem to force single mothers into, for example, permanent welfare dependency. Conversely, fathers who are married and have separated from their wives tend to have slightly higher earnings and support order levels. As their distribution across all categories of welfare groups listed above is also fairly even, we cannot infer that marital status affects welfare status from these statistics.

Disregarding marital subdivisions of each welfare category, we then proceeded to compare the four groups of welfare recipients with respect to the earnings, support, and payment levels of the fathers to test for significant differences between groups. Observed differences might account for the fact that one group tends to remain on welfare, while another is continually moving on and off AFDC.

The results of this analysis are presented below in Table V-12.

TABLE V-12. COMPARISON OF EARNINGS, SUPPORT, AND PAYMENT LEVELS OF FATHERS BY WELFARE STATUS OF FAMILIES

Welfare Group ^a	Earnings (\$)	Order/Earnings (%)	Payment/Order (%)	# Cases
1	\$125.74	22%	60%	342
2	\$137.85	24%	49%	86
3	\$131.18	22%	56%	90
4	\$123.99	26%	59%	153

- ^a Type 1: Non-movers, so-called "hard-core" AFDC families
 Type 2: Moved off AFDC permanently following support enforcement
 Type 3: Multiple Movers (not due to marital change)
 Type 4: Multiple Movers due to multiple separations and reconciliations by couple

There appears to be no major difference between fathers with respect to support enforced, compliance levels, or ability-to-comply, with one exception: Group 2 shows that fathers of families who exited from AFDC permanently following the enforcement of support (12.8% of all cases)

had somewhat higher levels of earnings, but paid relatively lower amounts of support than other fathers. The vast majority of these cases involved families in which the couple had informally separated, and in which "reconciliation" was recorded as the primary reason for the closure of the AFDC case. The results strongly suggest a discouragement effect associated with the enforcement of support. 79% of these couples reconciled within the first six months after the establishment of support proceedings which appears to confirm our conclusion regarding these cases. Although we could not confirm any significant differences between the fathers of these groups,¹ which might explain their welfare status, we suspect that for Group 2, the enforcement of support was related to the decision to reconcile and terminate the welfare grant. The evidence is circumstantial, however, and further research is needed to determine the strength of the relationship which we have inferred between enforcement and welfare status.

To summarize, our earlier conclusions foreshadowing substantial "discouragement" effects through support enforcement efforts, based on the numbers of couples who reconciled (30%), required revision. Almost four-fifths of couples who had purportedly been discouraged off welfare, and who had reconciled, would later re-apply for AFDC. We can only conclude from this that the welfare "discouragement" effects of enforcement are, for the most part, short-lived. Couples who are unable to maintain

1. An analysis of variance performed on these data showed no significant differences with respect to earnings, support order, or support payment levels between groups.

themselves in the absence of some form of public assistance will tend to separate and reconcile, getting on and off welfare, as often as they deem necessary. For the family which needs welfare, support enforcement will probably not serve to discourage welfare application.

Enforcement and Marital Dissolution

We also discovered some disturbing new evidence suggesting that child support enforcement may actually be encouraging couples toward final marital dissolution. More than 50% of cases on the study file involved couples who were informally separated during the study period.¹ Two-fifths of these cases remained separated, while the remaining three-fifths reconciled, as we have shown above, at least once. In Figure V-g, we identified those couples who reconciled subsequent to the establishment of support proceedings against the father. At the same time, we noticed there were many couples who reconciled once or several times, but who did so prior to the establishment of the support order. Subsequent to the first enforcement initiatives, no further marital status changes were evidenced. In fact, 17% of all New Bedford couples remained separated following the establishment of the first support order, although previous to enforcement the couple had shown a willingness to reconcile at least once. These results suggest a second, quite different, impact of the IV-D program on family structure: an "encouragement" toward final marital dissolution.

1. That is, they were not legally separated or divorced from the mother.

CHAPTER VI

SUMMARY AND CONCLUSIONS

A. PATERNAL SUPPORT AND WELFARE DEPENDENCY

Few fathers in New Bedford were able to pay support amounts in excess of their families' welfare grant levels, thereby releasing them from welfare dependency. As shown in Section D of Chapter V, only those fathers earning more than \$200 net per week in Massachusetts are likely to be able to exceed the average AFDC grant level for a family of two dependants. However, even if the father showed ability and willingness-to-pay up to HEW guideline levels for support, it appeared likely that the courts and IV-D enforcement officials would not require the father to pay up to HEW levels. Enforcement officials have applied a decidedly regressive standard of support among New Bedford fathers, demanding highest levels of support from low-earning fathers, while relaxing HEW support standards considerably for higher-earning fathers. The fact that low-wage earners have shown an ability-to-pay support at levels exceeding even HEW guideline levels suggests that average support levels required under orders and agreements are not excessive. Our findings suggest that new directives be made to both IV-D and court personnel handling enforcement cases which would establish stricter standards for support for higher-earning fathers. It appears that the reluctance to apply progressive standards may simply

reflect the desire for more straightforward procedure. Enforcement workers may also establish lower levels in order to discourage fathers from "skipping" town or because they believe higher order levels will act as a work disincentive. These issues need to be discussed among those who apply support standards at the local level. The notion of regressive versus progressive standards should be examined, not strictly in relation to the high-earning father's circumstances, but also in relation to the family's needs.

Although we found few fathers in New Bedford capable of paying support sufficient to result in welfare independence for their families, we might expect very different results in areas which have low unemployment and relative high income. Similarly, we could examine the impact of support payments in states which have relatively low AFDC grant levels, where far lower levels of support would be required to effect a rollback in local welfare populations. A comparative study of New Bedford statistics with data from another, high-income region in Massachusetts would yield interesting results.

Even if the father gets his family off welfare, it is likely he will become delinquent in support when he realizes the state is no longer involved in the enforcement process. Of the eight AFDC cases which closed solely due to paternal support payments in excess of the family's grant, five later re-applied for aid. This suggests the state should consider a continuing role in enforcement beyond the termination of the family's AFDC grant. The father may also become delinquent again because he faces irregular employment. We know that fathers participating in the IV-D program experience far higher levels of unemployment than fathers not associated with AFDC families. Fully 30% of fathers in the IV-D program were unemployed, marginally employed, or on public assistance themselves

at some point during the study period. The problem of nonsupport among fathers of AFDC families cannot be considered in isolation from the problem of paternal poverty and lack of employment opportunities, at least in the case of low-income regions.

In the event that the courts apply strict enforcement standards, and the father is able to pay support in excess of the family's AFDC grant amount, he may still be unwilling-to-pay. Unwillingness-to-comply may be related to marital status: fathers under probate court orders for support generally pay lower amounts of their support orders and are more delinquent overall. Many of these fathers showed high levels of compliance prior to the obtaining of the divorce decree or legal separation, which strongly suggests that compliance (and delinquency) may be related to family relationships, in particular that of the spouses. The attitudes of various family members to state involvement in the divorce proceedings are not known. It may well be that both parents prefer separate support proceedings on an informal basis, or, as is often the case, the mother may view support proceedings as a punitive measure against the father.

On the other hand, criminal support actions tend to result in somewhat higher levels of support payments from fathers. It is not known to what effect the threat of court action might have on paternal support compliance. Court workers involved in enforcement believed that threat of court action resulted in relatively higher numbers of compliant fathers under voluntary and verbal agreements to support, but actual numbers were not available. A study of this phenomenon could reveal some very interesting results, pertinent to the establishment of support agreements in the future. The higher levels of compliance associated with criminal court action was presumed to be related to the probation requirement in most cases involving nonsupport, and considered an excellent way of monitoring

cases.

The impact of higher levels of enforcement, defined as the total number of support enforcement actions taken against a father, showed that fathers under just one order tended to pay on average less than fathers on more than one order. Interestingly enough, the highest levels of enforcement were applied against those fathers who initially showed highest levels of compliance with their original support order or agreement. The criteria for case monitoring may be such that where payments are regular, the father is subject to closer scrutiny. Many cases involving total support delinquency "get lost" in the files. Weekly caseloads are sufficiently high, and the number of local IV-D workers low, that these cases may not re-surface for many months. Reliance on computerized estimates of support delinquency have proved inaccurate. Many such cases on record have been either closed for support purposes, or were considered inappropriate for further action.

Basically, we know little about the real causes of support delinquency. No doubt much is due to the perpetuation of social attitudes regarding the value of family caretaker work. Fathers of families on welfare may also regard support payments as an unnecessary burden, given that their families are supported by the state. We could discern no significant patterns to delinquent behavior other than those noted above. The subject certainly warrants further research.

Finally, we note that the enforcement of support may have a serious second order effect among second families of the fathers participating in the program. Many fathers have formed new families subsequent to their divorce. Some fathers, still married, have formed new alliances. In general, they show reluctance to divulge information on their current families, fearing possible increased payments particularly if the second

family is also on AFDC. If strict enforcement measures are taken against fathers in low-income regions, we can only assume their second families will bear the burden of those support payments. It has been argued that poor couples should not have children they are unable to support. By the same token, may society deny poor couples the right to have children simply because they are poor? The dimensions of new family formation among fathers in the IV-D program should be documented. A new file will soon become available in Massachusetts, which lists all IV-D participants alphabetically, associating each father with families receiving AFDC. If support is enforced for the first family, as required under the law, the net effect may be merely to spread poverty to another family, placing it in danger of becoming welfare-dependent. It is hoped that the file on multiple family formations will provide new evidence of the relative inability of many fathers associated with AFDC families to escape their poverty.

B. SUPPORT ENFORCEMENT AND FAMILY STRUCTURE

30% of all couples on the New Bedford study file, more than two-thirds of all informally-separated couples, reconciled at least once during the study period. We have suggested that these couples, particularly those experiencing multiple separations and reconciliations, are maritally intact, but forced to "separate" in order to obtain welfare benefits. 43% of fathers in these families were marginally employed or unemployed or on welfare themselves at some point during the study period. We noted in Section E of Chapter V that reconciliations appeared closely related to the establishment of support orders against fathers. In fact, a majority of reconciliations took place within six months following the support order, most during the early months. We hypothesized that these couples experienced a net decrease in support from AFDC as a result of the enforcement of support against the father. They may have decided that the costs of remaining on welfare exceeded the benefits. Little is known about the decision to separate and reconcile among these families. We have assumed it is in direct response to perceived economic opportunities. The high turnover indicates families who do reconcile are unable to maintain themselves in the absence of some form of public assistance. Certainly, they exhibit no higher levels of support which might discourage continued welfare dependency, nor do these fathers show a greater reluctance to pay support than other fathers. The results show that the "discouragement" (indirect) impact of enforcement is short-lived.

Certainly welfare independence is achieved by these couples, if only temporarily. It is unfortunate that in many cases of marginal welfare families, the father himself does not qualify for some form of public assistance, thereby allowing the couple to remain together. The costs

of separation are high for these couples. Perhaps the costs of enforcing support are also excessive. We are again forced to the conclusion that too little is known about the problem of nonsupport as it relates to poverty and unemployment among parents.

A second, quite different, effect on family structure may be in evidence. 17% of all New Bedford couples showed a willingness to reconcile (sometimes frequently) prior to the establishment of the first support order against the father. We found that none of these couples reconciled after enforcement proceedings were begun against the father. Enforcement of support may have forced a final marital dissolution among these couples. Future research could be undertaken to determine whether formal (court) marital dissolution was sought by the couple in these cases. This would reinforce our theory that enforcement may effect permanent separation in many cases.

C. SOME UNANSWERED QUESTIONS

One can view the findings of this research from many standpoints: (i) that of the state, acting primarily in the interests of taxpayers, eager to minimize welfare costs and maximize support revenues; (ii) the IV-D state agency, eager to justify its demands for increased budget allocations by evidencing (even inflating somewhat) its IV-D collections from fathers of AFDC families; (iii) the AFDC family, required to cooperate in the enforcement effort but standing to gain nought unless the father is both able and willing to pay support amounts greater than their AFDC grant amount, in which event they face an uncertain economic future if he decides to stop paying support once again; and (iv) the non-welfare family, for whom private enforcement through the courts is too costly, while state enforcement services are denied them. Policy considerations should first and foremost reflect the interests of the family, but in the case of support enforcement, the rights of children to support have been superseded by state rights to recovery. Although non-welfare families are not considered specifically in this research, many of our recommendations are made with them in mind.

The House recently passed a vote discontinuing funding for enforcement in non-welfare cases. Denial of state enforcement services to non-welfare families is a direct denial of the support rights of these children. At the same time, it affirms the notion that state rights to recover support payments are paramount in the current IV-D program. Denial of services to non-welfare applicants cannot be justified on the grounds that private enforcement remedy is available through the courts, because families would not need to apply for assistance from the IV-D agency if they had sufficient funds to pursue private enforcement and/or if private

enforcement through the court system had proved effective. The major, and only, justification for distinguishing between the support rights of these children and those on AFDC is that the state stands to recover payments in the AFDC case while expenditures designed to reduce welfare costs may be justified to the taxpayer. Our findings suggest, however, that the amount of support collected from fathers of families on AFDC is very low, and the chances of effecting a rollback in welfare population remote.

The most fundamental question raised by this thesis remains unanswered: how do support problems arise? Those whose primary concern is the high cost of welfare will point to welfare dependency among female-headed families as the visible result of nonsupport. But we know that nonsupport occurs regularly among fathers of different earnings groups. Many poor fathers pay support, but inadequate to provide for their families. We find we cannot separate nonsupport among poor fathers from considerations of employment and poverty. Guaranteeing regular, adequate wages to poor fathers would undoubtedly reduce welfare dependency among FHF's. If our goal is welfare independence for these families, then these policies would be sufficient. But they will not solve the problem of wilful delinquency unresponsive to enforcement measures.

We cannot consider the problem of nonsupport in isolation from the institutionalized dependency of women within the family. Focusing exclusively on enforcement of support to some extent assumes we cannot change the inequalities between traditional family sex roles. The assumption of motherhood carries with it a substantial financial liability. In the event of marital dissolution, wives, with little access to capital of the means of obtaining it (employment opportunities), are least able to support the children, but invariably gain custody. Until there is some

guarantee of economic parity during a marriage, certainly prior to marital dissolution, the problem of poverty and welfare dependency among female-headed families will remain. The remedial approach to these problems is that of support enforcement subsequent to marital break-up. A better alternative would be to concentrate on policies designed to protect the children, and parent with custody, in the event of dissolution. If parents are unwilling to enter into contractual agreement along these lines, the children will remain the ultimate losers.

To summarize, the problem of nonsupport and welfare dependency cannot be separated from the larger issue of the institutionalized dependency of women in our society on a provider (viz. father, husband, or the state). To argue for enforcement of support solely on the grounds that it may result in welfare independence for the family -- rather than their long-term financial security -- is to take a very limited view of children's support rights. If we accept this limited view, support enforcement becomes a program of state welfare cost recovery. The primary research need generated by this research is the development of new criteria by which to judge the relative effectiveness of child support enforcement.

APPENDIX A

MAJOR CASE RULINGS IN MASSACHUSETTS

In this Appendix, we have listed all major case rulings made in Massachusetts courts which apply to the development of parental support obligations at common law. Prior to the Statutes of 1882 Providing For The Better Protection of Children (Ch. 270), there was negligible development in those obligations at common law. In the event of marital dissolution, fathers invariably gained custody of their children (Taunton v. Plymouth (1818), 15 Mass. 203). More importantly, laws governing support obligations of parents were enforceable only if a child became dependent on public relief. At that time, various laws ensured that the state could recover support from a parent commensurate with public support payments and assistance made to the family on relief. Consequently, this list includes case rulings occurring after the 1882 legislation. We have not included rulings which apply to enforcement of the support obligation at common law (e.g. court procedure, rights of the defendant, civil versus criminal actions, etc.). In each case, we have provided a brief summary of the court's finding regarding the support obligation. To date, there have been no case rulings resulting from the 1977 legislation which extended full support liability to the mother of the child. The ruling has been applied primarily in cases where a father and child(ren) are on welfare. All case rulings below apply to fathers' support obligations, and a significant number concern families on relief (viz. actions brought by the Commonwealth against the father).

- 1883 Commonwealth v. Burkner F. Burlington, 136 Mass. 435.
(Complaint of neglect to provide support for a minor child was held sufficient. The stated intention of the father that he would "leave the country first [before providing support]" was admissable evidence of intentional neglect.)
- 1892 Commonwealth v. Foster Ham, 156 Mass. 485.
(On a complaint of neglect to provide support for wife, the defendant claimed his nonsupport was not unreasonable in view of her conduct in breaching the marriage contract by not living with him. In her petition for separate maintenance, the court held that the wife's living apart was justified on the basis of drunkenness and cruelty by the husband.)
- 1892 Commonwealth v. Theodore G. Graham, 157 Mass. 73.
(On a complaint of nonsupport by the wife of a minor husband, the court held that the husband's father could not withhold all wages, that the husband might retain wages from the father sufficient to support himself, his wife and children. The parental support duty superseded, and were to be distinguished from, parental rights to a child's services.)
- 1896 Commonwealth v. Edwin H. Simmons, 165 Mass. 356.
(On a complaint of unreasonable neglect to support by a wife for herself and her minor children, the court found the defendant guilty of criminal nonsupport. Support had earlier been denied the family by the Superior Court in pendente lite hearing in the divorce case of the couple. The police court ruled that the wife's complaint was independent of divorce proceedings by the husband against the wife. Payment of alimony pendente lite (pending litigation in divorce court) does not determine [marital] status nor settle the question of the support duty of the father.)
- 1915 Tornroos . R. H. White Co., 107 N.E. 1015/220 Mass. 336.
(Court upheld a wife's right to claim damages against the father for support in case of loss of child's services due to injury.)
- 1921 Commonwealth v. Dornes, 132 N.E. 363/239 Mass. 592.
(Court held there was no obligation at common law for a putative father to support his illegitimate child.)
- 1929 Commonwealth v. Booth, 165 N.E. 29/266 Mass. 80.
(Court ruled that where the wife resides in the Commonwealth of Massachusetts, but the husband lives in another state, the order to support does not affect his constitutional rights.)
- 1935 Commonwealth v. Pouliot, 198 N.E. 256/292 Mass. 229.
(Court held that the involuntary labor required of a father in payment of support for his family on relief was valid at common law.)
- 1940 Cameron's Estate, 27 N.E. 2d 696/306 Mass. 138.
(Court held that support arrears could not be taken through inheritance from the father's estate.)

- 1940 Commonwealth v. Whiston, 27 N.E. 2d 703/306 Mass. 65.
 (Court ruling that punishment for unreasonable neglect to
 support could be used as sanction for performance of periodical
 payments under court orders for support.)
- 1948 Vivori v. Fourth District Court of Berkshire, 28 N.E. 2d 9/
 323 Mass. 336.
 (Court ruled putative father had support obligation at common
 law for illegitimate child. Justification for upholding support
 duty based on desire to lessen public burden of support of the
 mother and child on relief.)
- 1956 Goddard v. Folsom, 145 F. Supp. 307 (Washington D.C.).
 (Court held that a support order was not an entitlement to in-
 heritance if father dies outside Massachusetts.)
- 1960 Alexander v. Alexander, 20 Mass. App. Dec. 20.
 (The paternal duty to support upheld no matter where the mother
 takes the child.)

APPENDIX B

SUMMARY OF FUNCTIONS BY ORGANIZATION

A. PARENT LOCATOR SERVICE DIVISION

Systems Operations Branch

- Develop, operate, and maintain the PLS
- Specify manner and form for requesting information from PLS (hardcopy, punched cards, magnetic tape, and terminal-to-terminal)
- Design automated systems to support PLS
- Establish and maintain communication network between states and PLS, and between PLS and other Federal agencies
- Perform data conversion for input to PLS and output to states
- Technical assistance to states on use of PLS
- Maintain billing records on non-welfare cases
- Assist in development of program policy and regulations relevant to PLS
- Answer telephone enquiries from public
- Maintain statistics on use of PLS

State Coordination Branch

- Evaluate state applications for Federal financial participation for purchase or design of IV-D information systems
- Evaluate state PLS needs and plan improvements of state systems
- Develop and encourage use of model systems
- Provide technical assistance to states on IV-D systems

B. POLICY AND PLANNING DIVISION

Policy Branch

- Develop and coordinate all regulations implementing title IV-D and related legislation
- Develop standards for effective state programs
- Develop minimum state organizational and staffing requirements
- Develop and maintain procedures for Internal Revenue Service collections
- Develop and maintain procedures for enforcement by Federal courts
- Provide policy interpretation to regional offices
- Develop and coordinate training for Federal and state personnel
- Provide technical assistance to regions, and occasionally to states on all aspects of program except PLS and systems
- Review and develop proposed legislation
- Develop procedures for state plan review and approval by regional offices
- Review regional office recommendations of state plan disapproval
- Evaluate effectiveness of state programs
- Monitor and coordinate activities of regional offices
- Provide in-house legal capability and liaison with Office of General Counsel
- Coordinate preparation of annual report to Congress

Planning and Evaluation Branch

- Develop long and short-range plans and objectives
- Develop the annual OPS plan and track milestones
- Design statistical reporting requirements and methods for obtaining data
- Conduct statistical research studies and analysis, trend and cost projecting and reporting
- Recommend program and legislative changes based on research and analysis
- Develop research and demonstration projects
- Provide liaison to SRS Office of Planning, Research, and Evaluation
- Participate in development of annual audit plan
- Evaluate deployment of resources for achievement of objectives and operational goals
- Develop program budget

C. ADMINISTRATIVE DIVISION

Office of Division Director

- Prepare salaries and expenses budget
- Coordinate all OCSE budget matters
- Coordinate financial reporting requirements with appropriate SRS offices
- Prepare background and justification material for OMB and Congressional hearings
- Control annual and quarterly obligations and expenditures
- Issue, review, and control travel authorizations
- Review and control travel vouchers
(Budget officer and assistant)

Audit Support Branch

- Develop standards and requirements for annual audits
- Coordinate regional office activities related to annual audit
- Provide interpretations to regions and states concerning audit procedures and standards
- Review penalty recommendations made by regional offices and recommend approval or non-approval to Director
- Review audit reports from GAO and HEW Audit Agency

Administrative Support Branch

- Personnel management (staff planning, position descriptions, recruitment, performance evaluations)
- Labor-management relations
- Liaison with SRS Division of Personnel
- Control manpower authorizations
- Space management
- Procurement of property and supplies
- Maintain property records
- Liaison with SRS Division of General Services
- State plan control and filing
- Control all incoming correspondence such as regional and Congressional inquiries

- Coordinate preparation of issuances within OCSE
- Edit proposed issuances and regulations for formal requirements
(e.g., Federal Register requirements)

APPENDIX C

DESCRIPTION OF CODED DATAPlace of Birth:

- 1 - New Bedford
- 2 - Local, adjoining counties
- 3 - Nonlocal counties, Massachusetts
- 4 - Other New England states and New York state
- 5 - All other states in the U.S.
- 6 - Non-U.S. Portuguese (Portugal, Cape Verdes Islands, Azores)
- 7 - Puerto Rico
- 8 - Canada
- 9 - All other non-U.S.

Marital Status:

- 1 - Married
- 2 - Separated
- 3 - Legally separated
- 4 - Divorced
- 5 - Reconciled
- 6 - Mother married, but not to father of child
- 7 - Mother married, or re-married, father of child
- 8 - Mother single
- 9 - Parents had multiple separations and reconciliations

AFDC/IV-D Case Openings (by reason):

- 01 - Parents separated, father absent from home, and/or father's whereabouts unknown
- 02 - Father in prison, an institution, or hospital, able to pay support
- 03 - Mother no longer receiving wages, or has lowered wage earnings
- 04 - Mother no longer receiving U.C., M.A., or other grant higher than AFDC
- 05 - AFDC case transferred in from another county welfare office
- 06 - Mother single
- 07 - Mother divorced or legally separated from father, or married and separated from a man other than father of child
- 08 - Mother disabled, living in home but not on M.A., SSI, or OASDI
- 09 - Child previously absent from home has been returned to mother's care
- 12 - Father no longer in prison or otherwise unable to pay support
- 19 - AFDC case closed, but IV-D case open for child support arrears
- 66 - Father who previously assisted his family off AFDC through child support payments has become re-delinquent
- 71 - Mother no longer in prison, institution, or hospital
- 77 - Multiple AFDC case openings and closures due to multiple separations and reconciliations of parents
- 80 - Child eligible for AFDC grant under 21 years of age has returned to school or entered WIN program
- 88 - Unknown reason for AFDC case openings, or mother applied for grant more than three months after separation, divorce, etc.
- 89 - Mother was on AFDC grant as a child herself prior to pregnancy
- 96 - Father no longer in home and AFDC budget of family or on other grant allowing him to remain in home while family receives AFDC grant

AFDC/IV-D Case Closure (by reason):

- 10 - Per request of mother, voluntary withdrawal
- 11 - Mother receiving wages precluding continued AFDC eligibility
- 13 - Mother refuses to cooperate with IV-D unit in locating father, or obtaining child support payments from father
- 14 - Mother has married, or re-married, man who is not father of child
- 15 - Mother has died
- 16 - Mother has married, or re-married, father of child
- 17 - Mother in hospital, prison, institution, etc.
- 18 - Mother receiving U.C., M.A., or other grant exceeding AFDC grant
- 19 - AFDC case closed, but IV-D case open for arrears
- 20 - Parents have reconciled
- 23 - Absent father's support payments have exceeded AFDC grant level
- 24 - Father living in home, welfare not notified
- 25 - Father has died (AFDC case remains open, but IV-D case closed)
- 26 - Father living in home, receiving U.C., M.A., OASDI, SSI (IV-D case closed)
- 27 - Father formerly in home in family's AFDC budget, now employed (AFDC and IV-D case closure)
- 28 - Father living in home, unemployed (AFDC case open, IV-D case closed)
- 29 - Employed father has returned home
- 31 - Dependent child now 18 years of age, not in school, employed, or refuses to register for WIN program; or eligible child no longer living in home of mother
- 32 - Eligible child living with father or other relative
- 33 - Child living in institution (state)
- 34 - Child adopted by mother's husband
- 35 - Child has died
- 40 - "excess assets", "wage resources", or "excess income"
- 41 - AFDC case transfered to higher grant (e.g. Medical Assistance)
- 42 - AFDC case transfered out of New Bedford county to another welfare office
- 43 - New Bedford Welfare office unable to locate mother
- 44 - Fraudulent welfare case
- 69 - AFDC case transfered to father, living in home and receiving grant (IV-D case closed)
- 91 - Arrears remitted, AFDC and IV-D cases closed
- 99 - Unknown reason for AFDC case closure

Support Orders:

- 01 - Verbal agreement (unsigned)
- 02 - Voluntary agreement (signed affidavit of paternity and support)
- 03 - Separate support order (pendente lite, or legal separation, probate)
- 04 - Divorce order (probate or family court)
- 05 - Criminal order (district court)
- 06 - Reciprocal (out-of-state, URESA) court order
- 07 - Modified voluntary agreement
- 08 - Modified probate court order
- 09 - Modified district court order
- 10 - Probate court order dismissed
- 11 - District court order dismissed
- 12 - Older, unlisted support order or agreement established
- 13 - Fraudulence order (district court)
- 14 - Paternity denied in court by putative father
- 15 - Father defaulted, charged with contempt on earlier court order
- 16 - Modified verbal agreement
- 19 - Arrears order
- 20 - Child legally adopted by mother's husband
- 70 - Voluntary agreement dismissed
- 91 - Arrears order dismissed

Support Payment Compliance Levels:

- 1 - father not delinquent, pays regularly full amount of support order
- 2 - father pays support regularly, but an amount less than required under support order or agreement
- 3 - father pays irregularly, or made only a few payments ever under a particular support order
- 4 - father stopped paying support altogether (followed by month/year)
- 5 - father never paid child support under this order
- 6 - father paid arrears sum in bulk
- 7 - father paid support regularly, but later stopped payments
- 8 - father did not pay support for some period, then began or resumed support payments

Support Payment Status of Open Cases:

- 1 - non-delinquent
- 2 - arrears order in effect in addition to regular support order
- 3 - arrears order dismissed, regular support order in effect
- 4 - father stopped support payments (month/year)
- 5 - father never paid support
- 6 - father paid support under previous order, but not current order
- 7 - father did not pay support under prior order, but pays under current order

Support Payment Status of Closed Cases:

- 2 - AFDC case closed, but arrears owing (IV-D in effect)
- 3 - arrears dismissed
- 4 - father stopped support payments more than one month prior to AFDC case closure
- 5 - father never paid support
- 6 - father paid support under previous order, but not current order
- 7 - support order dismissed, therefore father stopped support payments
- 8 - father stopped paying support at date of AFDC case closure, not before

Occupation/Industry of Father:

- 01 - accountant
- 02 - architect
- 03 - armed forces
- 04 - bartender, waiter
- 05 - bellhop
- 06 - boat builder
- 07 - cab driver
- 08 - carpenter, furniture/cabinet maker
- 09 - CETA, Manpower, WIN, other New Bedford Consortium
(public employment programs)
- 10 - clerk
- 11 - cook, chef, baker
- 12 - electrician, technician
- 13 - engineer
- 14 - factory worker (assembly line, general)
- 15 - farm worker (cranberry bogs, nursery)
- 16 - firefighter
- 17 - fishing industry (cutter, fisher)
- 18 - supervisor, inspector, foreperson
- 19 - guard (security, coast, prison)
- 20 - hairdresser, barber
- 21 - home construction and repairs (roofer, plumber, fencer, painter)
- 22 - hospital (nurse, orderly)
- 23 - laborer (general construction, dockworker, longshore)
- 24 - landscaper
- 25 - machine operator (factory presser, tool cutter, thermograver)
- 26 - maintenance worker (general custodian, janitor)
- 27 - manager
- 28 - mechanic (auto)
- 29 - musician
- 30 - police work (corrections or corps officer)
- 31 - prisoner (state or federal)
- 32 - professional (miscellaneous)
- 33 - civil service employee (e.g. postal, city)
- 34 - real estate worker

- 35 - salesperson
- 36 - service worker (personal and repairs)
- 37 - teacher, instructor
- 38 - transport, public (brakes, conductor, dirver)
- 39 - transport, private (truck driver, delivery)
- 40 - unemployed, or receiving Unemployment Compensation under DES
(Department of Employment Security)
- 41 - welfare recipient (AFDC, G.R., OASDI, SSI, M.A., other non-CETA)
- 42 - retired receiving insurance or pension (including G.I. Bill, V.A.)
- 43 - student
- 44 - hospitalized, incapacitated, alcoholic

DATA FORMAT

<u>Field</u>	<u>Description of the Data</u>
1	Card number (#1)
2	Total number of IBM punched cards in this case (0 = 3; 4 = 4)
3 - 5	Case number (1 through 682)
6 - 9	Birthdate of father (month and year)
10	Birthplace of father
11	Total number of AFDC families associated with this father in the New Bedford region
12	Total number of AFDC children associated with this father in the New Bedford region
13	Total number of children in this particular AFDC family
14	Sex of children in this AFDC family (total children less males)
15 - 46 *	Birthdates of children in this AFDC family (month and year) up to eight possible entries
47 - 49	blank spaces
50	9 denotes mother of AFDC family is caring for additional children from a prior alliance of the father and that all children are included in the family's AFDC grant (0 = blank)
51 - 80 *	Marital status changes of the parents of this family including dates (month and year) of all changes up to a total of 12 possible entries
1	Card Number (#2)
2	blank space
3 - 5	Case number (1 through 682)
6 - 77 *	AFDC status changes of the family including dates of all changes (month and year) up to a total of 12 possible entries
78	Child support payments status of closed AFDC cases
79	Child support payments status of open AFDC cases
1	Card number (#3)
2	blank space
3 - 5	Case number (1 through 682)
6 - 32 *	Employment status changes of father, including occupation, net weekly earnings, and date (month and year) of entry, up to a total of three possible entries
33 - 80 *	Child support orders for father, including type of order, dollar support per week established under the order, and date of order (month and year), up to a total of 3 possible entries

* Denotes that all entries appear in chronological order. Approximately 0.2% of all entries showed status changes occurring in the same month and year. In these cases, entries which occurred in the earlier half of a month retained that date, those occurring in the latter half were assigned to the following month. Where both entries occurred in the same half of a month, that occurring closest to mid-month retained that date, while the second entry was assigned to either the previous or following month, thereby preserving chronological integrity.

1	Card number (#4)
2	blank space
3 - 5	Case number (1 through 682)
6 - 37*	Child support orders for father (cont.), including type of order, dollar support per week established under the order, and date of order (month and year), up to a total of 2 possible entries or 5 possible entries per case
38 - 55*	Arrears (or fraud) orders for support established in court, including amount of order and date (month and year), up to a total possible two entries

APPENDIX E

Payments Estimation Procedure

In order to calibrate our estimation procedure, we compiled a subsample of 58 orders, representing 35 cases from the study file, to compare estimated payment levels with actual payment levels following each order. Table V-13 summarizes the actual, estimated, and projected payment levels under a different set of assumed weights and weighting system. Three types of estimation procedures were compared with actual payment levels: (a) the estimation procedure used in this thesis research, applying appropriate weights to each coded compliance value;¹ (b) using the same weights for compliance codes, we derived estimates without triple weighting the final compliance entry where more than one was recorded; (c) estimates were obtained without the triple weighting procedure, and substituting .6 for .8 in all compliance codes "2". This third estimation procedure was added because we found that our estimates, using .8 for code "2", were generally too high.

The final three columns show the difference between each estimate per case and the actual payment per case as a percent of the support order established. We then computed the average absolute difference for each estimation procedure. On average, the estimation procedure used in this thesis research erred by $\pm 8\%$ across our subsample of support orders (n=58).

-
1. Recall that the following weights were applied to the various compliance codes:
 - 1 = 1.0 (regularly paid full amount of support order)
 - 2 = .8 (regularly paid an amount lower than the support order)
 - 3 = .15 (paid irregularly and/or much less than the support order)
 - 4 = 0 (stopped paying)
 - 5 = 0 (never paid support under this order)
 - 6 = 1.0 (paid arrears in bulk)
 - 7 = 1.0 (paid full amount regularly, at least initially)
 - 8 = 0 (did not pay initially, but later changed)

If more than one compliance code followed an order, the final compliance code was triple-weighted on the assumption that its duration was longer on average than other compliance responses recorded following an order.

TABLE V-13. COMPARISON OF ACTUAL AND ESTIMATED PAYMENT LEVELS FOR 57 NEW BEDFORD CASES

Case #	Date of Order	Amt. of Order	Compliance Code(s)	Avg. Wkly Payment (\$)				Payment/Order(%)				% Diff. (Est-Act)		
				Actual	Est ^a	Est ^b	Est ^c	Actual	Est ^a	Est ^b	Est ^c	Est ^a	Est ^b	Est ^c
1	8-76	\$10	2	\$ 2.59	8.00	8.00	6.00	25.9%	80.0	80.0	60.0	54.1	54.1	34.1
2	8-73	60	5	2.27	0.0	0.0	0.0	3.8	0.0	0.0	0.0	-3.8	-3.8	-3.8
	6-74	30	3,4	1.39	1.13	2.25	2.25	4.6	3.7	7.5	7.5	-0.9	2.9	2.9
3	4-76	10	1	10.00	10.00	10.00	10.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	10-77	12	1	12.00	12.00	12.00	12.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
4	5-73	100	5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	6-77	15	1	15.00	15.00	15.00	15.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
6	12-73	40	2,4	13.19	8.00	16.00	13.33	33.0	20.0	40.0	30.0	-13.0	13.0	-3.0
7	6-77	35	1	28.33	35.00	35.00	35.00	80.9	100.0	100.0	100.0	19.1	19.1	19.1
	7-77	35	1	35.00	35.00	35.00	35.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
8	2-68	12	1	12.00	12.00	12.00	12.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	9-75	20	2	12.00	16.00	16.00	12.00	60.0	80.0	80.0	60.0	20.0	20.0	0.0
	10-75	30	2	18.21	24.00	24.00	18.00	60.7	80.0	80.0	60.0	19.3	19.3	-0.7
9	8-75	25	1	25.00	25.00	25.00	25.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	11-76	25	1	25.00	25.00	25.00	25.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	5-77	25	1	25.00	25.00	25.00	25.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
10	11-76	75	2	58.19	60.00	60.00	45.00	77.6	80.0	80.0	60.0	2.4	2.4	-17.6
11	6-74	50	1	50.00	50.00	50.00	50.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	7-76	38	1	36.59	38.00	35.00	50.00	96.3	100.0	100.0	100.0	3.7	3.7	3.7
12	4-72	70	2	39.33	56.00	56.00	42.00	56.2	80.0	80.0	60.0	23.8	23.8	3.8
	12-74	50	1	50.00	50.00	50.00	50.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	6-77	45	1	45.00	45.00	45.00	45.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
13	10-68	15	2	8.86	12.00	12.00	9.00	59.1	80.0	80.0	60.0	20.9	20.9	0.9
	9-69	30	2,4	1.35	6.00	12.00	9.00	4.5	20.0	40.0	30.0	15.5	35.5	25.5
14	8-75	60	2	28.62	48.00	43.00	36.00	47.7	80.0	80.0	60.0	32.3	32.3	12.3
	9-76	60	5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
15	6-77	10	2,4	4.83	2.00	4.00	3.33	48.3	20.0	40.0	30.0	-28.3	-8.3	-18.3

a Estimates using triple weighting procedure

b Estimates using simple averaging procedure (no triple weighting)

c Estimates without triple weighting and using .6 (not .8) for code "2"

TABLE V-13 (cont.)

Case #	Date of Order	Amt. of Order	Compliance Code(s)	Avg. Weekly Payment (\$)				Payment/Order (%)				% Diff. Est ^a	(Est-Act)	
				Actual	Est ^a	Est ^b	Est ^c	Actual	Est ^a	Est ^b	Est ^c		Est ^b	Est ^c
16	10-71	\$10	7	\$10.00	10.00	10.00	10.00	100.0%	100.0	100.0	100.0	0.0	0.0	0.0
	5-77	15	1	15.00	15.00	15.00	15.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
17	7-74	10	1	10.00	10.00	10.00	10.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	1-76	10	1	10.00	10.00	10.00	10.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
18	8-75	25	3,1	19.35	19.69	14.38	14.38	77.4	78.7	57.5	57.5	1.3	-19.9	-19.9
19	12-74	30	5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
20	11-69	20	7	18.43	20.00	20.00	20.00	92.2	100.0	100.0	100.0	7.8	7.8	7.8
	7-77	20	1	17.69	20.00	20.00	20.00	88.5	100.0	100.0	100.0	11.5	11.5	11.5
21	6-76	35	2	25.51	28.00	28.00	21.00	72.9	80.0	80.0	60.0	7.1	7.1	-12.9
	7-76	15	1	12.86	15.00	15.00	15.00	85.7	100.0	100.0	100.0	14.3	14.3	14.3
22	3-69	10	7	8.83	10.00	10.00	10.00	88.3	100.0	100.0	100.0	11.7	11.7	11.7
	9-72	10	5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
23	12-76	30	7	27.50	30.00	30.00	30.00	91.7	100.0	100.0	100.0	8.3	8.3	8.3
24	3-75	15	2	11.21	12.00	12.00	9.00	74.7	80.0	80.0	60.0	5.3	5.3	-14.7
	5-75	15	3,4	1.94	0.56	1.13	1.13	12.9	3.7	7.5	7.5	-9.2	-5.4	-5.4
25	6-73	20	7,2,1	14.56	19.20	18.67	17.33	72.8	96.0	93.0	86.7	23.2	20.2	9.3
26	8-73	50	1	50.00	50.00	50.00	50.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	1-76	50	1	50.00	50.00	50.00	50.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	2-76	35	1	35.00	35.00	35.00	35.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
	10-77	45	1	45.00	45.00	45.00	45.00	100.0	100.0	100.0	100.0	0.0	0.0	0.0
27	7-77	10	2	8.86	8.00	8.00	6.00	88.6	80.0	80.0	60.0	-8.6	-8.6	-28.6
	8-77	10	2	6.42	8.00	8.00	6.00	64.2	80.0	80.0	60.0	15.8	15.8	-4.2
28	1-74	15	7,4	7.07	3.75	7.50	7.50	47.1	25.0	50.0	50.0	-22.1	2.9	2.9
29	9-75	10	7,4	5.00	2.50	5.00	5.00	50.0	25.0	50.0	50.0	-25.0	0.0	0.0
30	2-76	10	5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
31	7-77	25	3	4.40	3.75	3.75	3.75	17.6	15.0	15.0	15.0	-2.6	-2.6	-2.6
32	2-75	40	1	38.62	40.00	40.00	40.00	96.6	100.0	100.0	100.0	3.4	3.4	3.4
	10-76	42	7,2	32.08	35.70	37.80	33.60	76.4	85.0	90.0	80.0	8.6	13.6	3.6
33	12-76	20	7,4	9.29	5.29	10.00	10.00	46.5	25.0	50.0	50.0	-21.5	3.5	3.5
34	4-77	15	1	14.66	15.00	15.00	15.00	97.7	100.0	100.0	100.0	2.3	1.3	2.3
35	1-64	12	1	10.97	12.00	12.00	12.00	91.6	100.0	100.0	100.0	8.4	8.4	8.4
Av. Abs. Diff. =												8.2%	7.4%	5.5%

If we use the same weights, but apply simple averaging instead of triple weighting the final compliance code where more than one code is recorded, we tend on average to err by $\pm 7\%$. Finally, if we maintain simple averaging, and change compliance code "2" weighting to .6, instead of .8, our estimates will on average vary from actual payment levels by $\pm 5.5\%$. The results obtained for each estimation procedure do not suggest a significant difference between the estimation procedure used and the two alternative procedures (b and c).

We decided to check these results in two ways. First, we ran three least squares regressions comparing the R^2 obtained for each estimation procedure relative to actual payment levels. The results were as follows:

$$(a) \quad y = 5.5 + .88(x) , \quad R^2 = .88$$

$$(b) \quad y = -1.95 + .95(x) , \quad R^2 = .89$$

$$(c) \quad y = 2.51 + .95(x) , \quad R^2 = .93$$

where y = actual payment level

and x = estimation procedures (a), (b), and (c) respectively.

Similar R^2 's were obtained whether we used the estimation procedure followed in this thesis research, or we used simple averaging across compliance code weights rather than triple weighting for the final coded entry. However, a somewhat higher R^2 (.93) was obtained when we assumed a weight of .6 for compliance code "2". Recall from Table V-13, however, that this observed improvement in prediction quality for procedure (c) may be represented by a difference on average of only a few percentage points.

We noted that most deviations from actual payment levels were caused by code "2" (generally too high on average) and by orders followed by multiple coding. On the other hand, all estimation procedures including that used in this research proved very accurate in estimating payment

levels where a single code of "1", "7", or "5" was recorded. We therefore examined the larger study file of 682 cases to determine the proportion of cases involving single and multiple compliance codes. Of a total of 1154 support orders, 62% were single coded for compliance, of which 33% were codes "1" or "7", 12% were code "2", 2% were code "3", and 15% were code "5". The remaining 38% were coded with multiple (two or three) compliance weights. If we return to the results obtained in Table V-13, we find the distribution of single and multiple codes closely approximates that of our study file sample (61% and 39% respectively).

With the exception of code type "3", for which our subsample provided only one entry, we could say that 49% of all study file orders were coded appropriately, that is, our weighted adjustments provided payment levels almost exactly the same as actual payment levels. With only one case single-coded with "3" (a weight of .15), we could not infer our estimation procedure was correct. However, these cases constituted only 2% of all orders in the study file. Orders coded with "2" (or a weight of .8) represented 12% of all study file cases. Payment estimates in these cases were improved somewhat by a reduction of the weight assigned from .8 to .6. While such an adjustment would change individual payment percentages by 20%, when we average cases within a subsample of 58 orders, we find the estimation procedure improves by only a few percentage points over that used in the research.

Finally, approximately 38% of orders were followed by multiple compliance codes. Most of the difference observed between our estimates and the actual payment levels in the subsample was due to variations in cases involving multiple codes. In Table V-14, we examine these multiple-code orders more closely, comparing actual payment levels with the estimation procedure used in this research and with the two alternate procedures

TABLE V-14. COMPARISON OF ACTUAL AND ESTIMATED PAYMENT LEVELS FOR CASES WITH MULTIPLE COMPLIANCE CODES

Case #	Order	Codes	Payment/Order (%)				% Difference (Est-Act)		
			Actual	Est ^a	Est ^b	Est ^c	Est ^a	Est ^b	Est ^c
2	2nd	3,4	4.6%	3.7%	7.5%	7.5%	-0.9%	2.9	2.9
6	1st	2,4	33.0	20.0	40.0	30.0	-13.0	7.0	-3.0
13	2nd	2,4	4.5	20.0	40.0	30.0	15.5	35.5	25.5
15	1st	2,4	48.3	20.0	40.0	30.0	-28.3	-8.3	-18.3
18	1st	3,1	77.4	78.7	57.5	57.5	1.3	-19.9	-19.9
24	2nd	3,4	12.9	3.7	7.5	7.5	-9.2	-5.4	-5.4
25	1st	7,2,1	72.8	96.0	93.3	86.6	23.2	20.5	13.8
28	1st	7,4	47.1	25.0	50.0	50.0	-22.1	2.9	2.9
29	1st	7,4	50.0	25.0	50.0	50.0	-25.0	0.0	0.0
32	2nd	7,2	76.4	85.0	90.0	80.0	8.6	13.6	3.6
33	1st	7,4	46.5	25.0	50.0	50.0	-21.5	3.5	3.5
Avg. Abs. Diff. =							15%	11%	9%

a Estimates using triple weighting procedure

b Estimates using simple averaging (no triple weighting)

c Estimates without triple weighting using .6 (not .8) for compliance code "2"

noted above. The average absolute percentage differences in payment levels is shown at the base of the Table. Estimates of payment levels in cases involving the estimation procedure used in this research tend to vary from the actual payment level by $\pm 15\%$ on average. If we do not apply triple weighting, the estimates are slightly improved, varying on average by $\pm 11\%$ on average from actual levels. If we also apply a weight of .6 to code "2" entries, our estimates again improve just slightly to $\pm 9\%$ of actual payment levels on average. Although the results show some improvement in multiple code estimates, percentage differences between estimation procedures overall are slight.

To summarize, we concluded from our calibration that two-thirds of all orders were coded with appropriate weights, yielding on average payments which were very close to actual payment levels. In one-third of orders, we found a variation on average of between 9% and 15% between actual and estimated support payment levels. The use of simple averaging instead of triple weighting does not seem to provide an overall improvement in our estimates. However, a weight of .6 in lieu of .8 applied to compliance code "2" yields a slightly better payment level estimate.

If we assumed that various types of compliance codes were distributed fairly uniformly across categories of family size and earnings level, we would expect only slight changes in payment level estimates provided in Table V-4a and b in Chapter V. We therefore sensitized our results, applying a simple averaging procedure (not triple-weighted) as well as a reduced (to .6) weight to code "2". The results are shown in Tables V-15a and b and 16a and b, respectively. In Tables V-15a and b, we provide payment level estimates using a weight of .6 for code "2" entries as well as the difference between the new estimates and those obtained in Chapter V. Those estimated in this research, using a compliance code

TABLE V-15a. PAYMENT LEVELS AS A PERCENT OF ORDER LEVELS ASSUMING
A WEIGHT OF .6 FOR COMPLIANCE CODE "2"

Level of Earnings (net weekly)	No. of Dependents			
	1	2	3	4+
\$ 0 - 75	14.2%	21.3	0.5	1.5
76 - 100	8.0	13.6	16.0	27.3
101 - 125	9.1	10.6	17.6	13.0
126 - 150	12.5	14.4	15.8	21.0
151 - 175	12.1	15.8	20.4	17.1
176 - 200	13.5	15.1	22.4	20.5
200+	10.0	12.0	3.5	12.8

TABLE V-15b. DIFFERENCE BETWEEN CALCULATED AND PROJECTED ESTIMATES
ASSUMING A WEIGHT OF .6 FOR COMPLIANCE CODE "2"
(calculated-projected)

Level of Earnings (net weekly)	No. of Dependents			
	1	2	3	4+
\$ 0 - 75	1.2%	2.6	0	0
76 - 100	0.6	0.3	0.7	1.5
101 - 125	0.6	0.9	1.6	0.3
126 - 150	1.0	0.9	1.1	1.7
151 - 175	2.1	0.7	1.2	0.9
176 - 200	3.6	0.6	1.6	1.5
200+	1.5	0.2	1.1	0.9

weight of .8, are slightly higher as we would expect. More important, however, is the fact that our overall results do not change dramatically. This suggests that the distribution of alternate types of compliance codes is relatively uniform across all categories of earnings and family size. Thus, although a weight of .6 improves our payment estimates slightly, these are on the order of only a few percentage points in each cell. Our conclusions made in Chapter V concerning the trend toward relatively lower payments by low-wage and high-wage fathers with large families, and higher payment levels among middle-earning fathers, has not been affected by these results.

We also examined payment levels assuming a weight of .6 as well as simple averaging across weights where more than one compliance code was used for an order. The results of this exercise are shown in Table V-16 a and b. Differences between calculated and projected payment levels are shown to be within a few percentage points in most cases. Again, our conclusions are unaffected by the change in estimation procedure.

A similar exercise was performed using Table V-8. Changes in compliance levels following changes in the type of enforcement action were similar using our estimation procedure and those which assume a code "2" compliance weight of .6 and simple averaging procedure across multiple code weights. The results of the comparison are shown in Tables V-17a and b. As expected, there was little change in compliance levels in each category of enforcement mode change, with the exception of Category 1. However, these results had been discarded as insignificant due to the few cases represented in the category. In all other categories, our conclusions were reinforced using the sensitivity analysis for a weight of .6 applied to compliance code "2" and simple averaging.

TABLE V-16a. PAYMENT LEVELS AS A PERCENT OF ORDER LEVELS ASSUMING
A WEIGHT OF .6 FOR COMPLIANCE CODE "2" and SIMPLE
AVERAGING OF WEIGHTS

Level of Earnings (net weekly)	No. of Dependents			
	1	2	3	4+
\$ 0 - 75	15.6	22.9	1.0	3.0
76 - 100	8.7	14.7	16.8	27.7
101 - 125	9.9	11.2	18.2	17.9
126 - 150	12.9	15.5	16.6	21.6
151 - 175	12.6	16.8	20.4	18.3
176 - 200	12.9	16.4	22.4	20.5
200+	10.2	12.0	4.2	12.9

TABLE V-16b. COMPARISON OF CALCULATED AND PROJECTED ESTIMATES OF PAYMENT
ASSUMING .6 WEIGHT FOR CODE "2" and SIMPLE AVERAGING
(calculated-projected)

Level of Earnings (net weekly)	No. of Dependents			
	1	2	3	4+
\$ 0 - 75	-0.2	1.0	-0.5	-1.5
76 - 100	-0.1	-0.8	-0.1	-1.1
101 - 125	-0.2	0.3	-1.0	-4.6
126 - 150	0.6	-0.2	0.3	1.1
151 - 175	1.6	-0.3	1.2	-0.3
176 - 200	4.2	-0.7	1.6	2.5
200+	1.3	-0.2	0.4	0.8

TABLE V-17a. COMPLIANCE LEVELS FOLLOWING A CHANGE IN MODE OF ENFORCEMENT
(average % of order paid) using .6 for COMPLIANCE CODE "2"

Type of Order Change	Compliance Level Change	Abs. Difference Between Calculated and Projected
1	-43.0%	+5%
2	+ 5.0	-1
3	-11.0	-2
4	+13.0	-4
5	-17.0	-1
6	+21.0	-1
7	- 2.0	0
8	-12.0	0

TABLE V-17b. COMPLIANCE LEVELS FOLLOWING A CHANGE IN MODE OF ENFORCEMENT
USING SIMPLE AVERAGING (not triple weighting) and .6 weight
for COMPLIANCE CODE "2"

Type of Order Change	Compliance Level Change	Abs. % Difference Between Calculated & Projected
1	-38.0%	10%
2	+ 4.0	0
3	- 8.0	+1
4	+12.0	-3
5	-16.0	0
6	+18.0	+2
7	- 2.0	0
8	-15.0	-3

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